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Discussion on the theme "Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration"

Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration

Note by the Secretariat

Summary

As 2017 marks the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous issues decided at its fifteenth session to include in the provisional agenda of its sixteenth session a discussion on the theme "Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration". The present note, which provides an overview of the implementation of the Declaration 10 years after its adoption by the General Assembly, highlights some of the main achievements that emerged through its implementation and identifies challenges that remain.

There has been some progress in the implementation of the Declaration, particularly in certain regions and countries, and there are good practices that can serve as an inspiration for implementation elsewhere. In this note, it is observed that, in cases where progress has been made in terms of legislation, there often remains an implementation gap between legal recognition and concrete action.

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I. Increasing recognition of the Declaration on the Rights of Indigenous Peoples

1. On 13 September 2007, the General Assembly, by its resolution 61/295, adopted the United Nations Declaration on the Rights of Indigenous Peoples. Preparation of the Declaration was carried out over the course of 20 years, beginning in the 1980s with the work of the Working Group on Indigenous Populations, and culminated in the adoption of the Declaration by an overwhelming majority of United Nations Member States in 2007. It is a major milestone and a landmark with respect to the cooperation and solidarity between indigenous peoples and Member States, which has laid the foundation for a new partnership in action at the United Nations and around the world.

2. The United Nations Declaration on the Rights of Indigenous Peoples was adopted by a recorded vote of 143 to 4 (the four being Australia, Canada, New Zealand and the United States of America), with 11 abstentions (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, the Russian Federation, Samoa and Ukraine).

3. Since its adoption, all four countries that voted against the adoption of the Declaration have changed their position: in April 2009, the Minister for Indigenous Affairs of Australia affirmed his country's support for the Declaration; in April 2010, at the opening ceremony of the ninth session of the Permanent Forum on Indigenous Issues, the Minister for Maori Affairs of New Zealand announced that the Government had decided to support the Declaration; in November 2010, Canada endorsed the Declaration as an "aspirational document" and, subsequently, at the fifteenth session of the Permanent Forum in May 2016, the Minister for Indigenous and Northern Affairs affirmed Canada's full support for the Declaration; and in December 2010, the remarks of the President of the United States at the White House Tribal Nations Conference included the announcement that the United States had decided to lend its support to the Declaration.[1] Among those countries that abstained, Colombia, Samoa and Ukraine have also expressed their support for the Declaration.

4. Today, the Declaration is the most comprehensive international instrument on the rights of indigenous peoples. It both establishes a universal framework of minimum standards for the survival, dignity and well-being of indigenous peoples and elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of indigenous peoples.

5. At its fifteenth session, the Permanent Forum on Indigenous Issues decided to include a discussion on the theme "Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration" at its sixteenth session in 2017. The present report provides an overview of the implementation of the Declaration 10 years after its adoption by the General Assembly. It highlights some of the main achievements and assesses some of the remaining challenges.

[1] For a recent analysis of these changes in position, see Sheryl Lightfoot, *Global Indigenous Politics: A Subtle Revolution* (Abingdon, United Kingdom, and New York, Routledge, 2016), chap. 4.

II. Recognition of indigenous peoples' rights at the national level

6. The United Nations Declaration on the Rights of Indigenous Peoples was adopted without an agreed definition of the term "indigenous peoples". It does specify, however, that indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions (article 33 (1)). In this regard, the United Nations uses the generic term "indigenous peoples" to identify indigenous groups, communities and nations. No formal universal definition is necessary for the recognition and protection of their rights, and this should not constitute an obstacle to addressing the substantial issues affecting indigenous peoples.[2] One result of the adoption of the Declaration is the growing trend towards increased recognition, as attested by the increasing number of celebrations of the International Day of the World's Indigenous Peoples on 9 August around the world.[3]

7. The issue of definition continues to be raised, especially in the context of Africa and Asia. Following the adoption of the Declaration, the African Commission on Human and Peoples' Rights stated that a definition of the term "indigenous peoples" "is not necessary or useful, as there is no universally agreed definition of the term and no single definition can capture the characteristics of indigenous populations". According to the African Commission, "it is much more relevant and constructive to try to bring out the main characteristics allowing the identification of the indigenous populations and communities in Africa".[4] In the Asian region, the distribution and diversity of such groups vary by country, as does the terminology used. Indigenous peoples have been identified as, for example, tribal peoples, hill tribes, scheduled tribes, *janajatis*, *orang asli*, *masyarakat adat*, Adivasis, ethnic minorities and ethnic nationalities.

8. Not only is recognition a legal matter, but it also encompasses moral and emotional elements. Within a year of the adoption of the Declaration, both Australia and Canada issued formal apologies to the indigenous peoples of their country. Australia apologized for laws and policies of successive Governments that had inflicted harm on indigenous Australians. Canada apologized for the devastating impact of its residential school system on indigenous children and their families, and established a Truth and Reconciliation Commission in 2008 to address this issue. The final report of the Truth and Reconciliation Commission was released in 2015.

A. Constitutional recognition

9. Constitutional reforms can be an essential step towards ensuring the recognition, inclusion and promotion of the rights of indigenous peoples. Since the adoption of the Declaration in 2007, several countries, particularly in the Latin American region, have provided information to the Permanent Forum on Indigenous

[2] See the United Nations Development Group Guidelines on Indigenous Peoples' Issues (February 2008).

[3] For more details, see http://www.un.org/en/events/indigenousday/events.shtml.

[4] Advisory opinion of the African Commission on Human and Peoples' Rights on the United Nations Declaration on the Rights of Indigenous Peoples.

Issues on steps that they have taken to recognize the identity and rights of indigenous peoples.

10. The Constitution of Ecuador, adopted in 2008, establishes an intercultural, plurinational and plurilingual State[5] and recognizes 21 collective rights for indigenous peoples.[6] These include collective ownership of their lands and their autonomy in the government of indigenous territorial constituencies; political participation in official bodies through indigenous representatives; and the right of free prior and informed consultation related to resources located on their traditionally occupied lands, the right to participate in the profits earned from these projects and the right to receive compensation for any social, cultural and environmental damages caused. The Constitution also guarantees indigenous peoples' right to learn in their own language and cultural environment[7] through an intercultural bilingual education system.

11. The 2009 Constitution of the Plurinational State of Bolivia constitutes one of the most comprehensive instruments for achieving recognition of indigenous peoples' rights,[8] including their right to self-determination and self-government. The Bolivian Constitution recognizes indigenous legal systems and collective ownership and autonomous management of indigenous lands. Indigenous peoples also have a constitutional right to prior consultation by the State regarding any legislative or administrative measures that affect them, which extends to the exploitation of natural resources in their territories. In addition to Spanish, all 36 indigenous languages spoken in the country are recognized as official languages.

12. In 2014, Costa Rica reformed its Constitution so as to recognize the country as "multi-ethnic and plurinational" and established a constitutional guarantee to maintain and cultivate the national indigenous languages.[9] In 2014, El Salvador amended its Constitution so as to recognize indigenous peoples and committed to adopting public policies that maintain and develop indigenous identity.[10]

13. The Constitution of Mexico of 1917 was amended in 2015 to incorporate several references to the rights of indigenous peoples, including their right to self-determination through the autonomous exercise of internal government in accordance with their traditional rules, procedures and customs, and their right to elect indigenous representatives for the town council in municipalities with indigenous population.[11] The authorities in Mexico are obligated constitutionally to consult indigenous peoples while preparing the national, state and local development plans, and to incorporate their recommendations and proposals, if

[5] Constitution of the Republic of Ecuador, 2008, article 1.

[6] See A/69/271, para. 12, regarding the Constitution of the Republic of Ecuador, 2008, articles 56 and 57.

[7] Ibid., regarding articles 27 and 29.

[8] See Gonzalo Aguilar and others, "*Análisis comparado del reconocimiento constitucional de los pueblos indígenas en América Latina*", Conflict Prevention and Peace Forum.

[9] Freedom House, "Freedom in the world 2015", Costa Rica country report. Available at https://freedomhouse.org/report/freedom-world/2015/costa-rica.

[10] A/69/271, para. 12.

[11] Political Constitution of the United States of Mexico. Available at http://www.diputados.gob.mx/LeyesBiblio/htm/1.htm.

appropriate. The Constitution of Mexico also recognizes the importance of intercultural bilingual education.

14. The reform in 2014 of the Constitution of Nicaragua entailed provisions recognizing the political-administrative, social and cultural autonomy of the indigenous peoples and ethnic communities of the Atlantic coast as well as their cultures and languages, religions and customs. The Constitution also guarantees indigenous peoples the benefits of their natural resources, the effectiveness of their collective rights to property and the election of their authorities and representatives.[12]

15. Although the 2010 Constitution of Kenya does not explicitly refer to indigenous peoples, it recognizes historically marginalized groups, including pastoralists and hunter-gatherers, that identify themselves as indigenous peoples. It also provides for a range of civil, political, socioeconomic and collective rights that have relevance to indigenous peoples.[13]

16. Other countries have publicly expressed their intention to consider constitutional changes that recognize indigenous peoples. In 2016, Chile initiated an inclusive constitutional reform process. To ensure the participation of indigenous peoples, in compliance with the State's obligations under the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169),[14] the Ministry of Social Development designed a mechanism known as the indigenous participatory constituent process.[15] Australia and New Zealand are also considering constitutional changes that recognize indigenous peoples.[16]

17. The 2008 Constitution of Myanmar does not refer to indigenous peoples, but it does grant some rights to "national races", some of which have used the term "indigenous" to define themselves. Recent developments, such as democratic elections, ongoing reforms and peace negotiations, provide opportunities for progress. The 2015 law on the protection of the rights of national races expands on the rights of ethnic nationalities and has also led to the establishment of a Ministry for Ethnic Affairs.

B. Legal and policy measures

18. In preparation for the annual sessions of the Permanent Forum on Indigenous Issues, the Department of Economic and Social Affairs of the United Nations Secretariat sends a questionnaire to Member States, the United Nations system and indigenous peoples' organizations, requesting information related both to implementation of the Forum's recommendations and to actions taken to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples. The

[12] Constitution of Nicaragua, article 180.

[13] A/69/271, para. 12.

[14] United Nations, *Treaty Series*, vol. 1650, No. 28383.

[15] See http://www.constituyenteindigena.cl/proceso-constituyente/.

[16] See *Final Report of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples* (Canberra, Commonwealth of Australia, June 2015). Available at http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Constitutional_Recognition_of_Aboriginal_and_Torres_Strait_Islander_Peoples/Constitutional_Recognition/Final_Report.

Declaration has been used to foster development of specific national laws and amendment of existing legislation,[17] as reflected in National Law No. 3760 of the Plurinational State of Bolivia of 7 November 2007, amended by Law No. 3897 of 26 June 2008, under which the Declaration was adopted as national law. In Colombia, the law on victims and land restitution of 2011 included the obligation to consult with indigenous peoples, and as a follow-up, Law No. 4633 of 2011 established reparation measures.

19. In 2008, Japan recognized the Ainu people as the indigenous people of Hokkaido.[18] In 2009, the Government created the Council for Ainu Policy Promotion, which is led by the Chief Cabinet Secretary together with Ainu representatives, including women.

20. In the Congo, Act No. 5-2011 on the Promotion and Protection of the Rights of Indigenous Peoples was promulgated in 2011. The law specifically targets the disadvantaged conditions of indigenous peoples and promotes their collective and individual rights.[19] It is consistent with the Declaration on the Rights of Indigenous Peoples, and was developed in a participatory manner, including through consultations with indigenous peoples, the general public, non-governmental organizations, United Nations organizations and relevant public institutions. It is the first instrument of its kind in Africa, constituting an important example of good practice in the region for the recognition and protection of the rights of indigenous peoples.

Land rights

21. Article 26 of the United Nations Declaration on the Rights of Indigenous Peoples provides that indigenous peoples have the right to the lands, territories and resources that they have owned traditionally and to use and develop them and also provides that States shall give legal recognition to those lands. The right to lands, territories and resources and the right to self-determination are among the most important provisions of the Declaration for indigenous peoples and among the most challenging to implement. The challenge is particularly daunting in cases where there is a lack of legal recognition of indigenous peoples' traditional lands and territories, as well as competing land claims and interests. Recognition of collective rights as well as the rights of nomadic, pastoralist and hunter-gatherers has also been particularly challenging. Legal recognition in and of itself is not sufficient: it must be complemented by effective implementation through enabling legislation, executive action and judicial protection. It is also critical that legislation enacted to establish recognition of indigenous peoples' land rights not be undermined or contravened by other laws and regulations.

22. Indigenous peoples' lands and territories continue to face intense pressure, especially from large-scale development projects and natural resource extraction, involving, for example, palm oil plantations, hydroelectric dams and mining

[17] Marco Odello, "The United Nations Declaration on the Rights of Indigenous Peoples", in *Handbook of Indigenous Peoples' Rights*, Corinne Lennox and Damien Short, eds. (Abingdon, United Kingdom, Routledge, 2016), chap. 5, p. 64.

[18] Philippa Fogarty, "Recognition at last for Japan's Ainu", BBC News, 6 June 2008. Available at http://news.bbc.co.uk/2/hi/asia-pacific/7437244.stm.

[19] See A/HRC/18/35/Add.5, paras. 12-13.

operations. The designation of national parks and conservation areas has often resulted in the displacement and dispossession of indigenous peoples, and in this regard, intense pressure continues to be placed on indigenous peoples' communities as they strive to maintain their survival and well-being. This issue is of particular significance for indigenous human rights defenders who continue to advocate for those rights, often at great cost.

23. Despite these trends, however, there is a growing body of jurisprudence which attests to the success of indigenous advocates in establishing the rights of indigenous peoples.

24. In the case of *Cal v. Belize*, the Supreme Court of Belize maintained that in having voted in favour of the Declaration on the Rights of indigenous Peoples, Belize had the obligation to respect the property rights of indigenous peoples.[20]

25. In February 2010, in the landmark recommendation of the African Commission on Human and Peoples' Rights in the case of the Endorois people, the expulsion of the Endorois from their ancestral lands around Lake Bogoria in Kenya was condemned and restitution was recommended.[21] The recommendation is of significance for indigenous peoples' rights globally. For the first time, an international human rights treaty monitoring body expressly recognized the right to development of indigenous peoples.[22] The work of the African Commission on Human and Peoples' Rights, and, specifically, of its Working Group on Indigenous Populations/Communities in Africa, has been central to the advancement of the rights of indigenous peoples in Africa. The Commission and the African Court on Human and Peoples' Rights have played a significant role in strengthening the judicial and quasi-judicial system for the protection of human and peoples' rights on the continent.

26. In its decision No. 35/PUU-X/2012, the Constitutional Court of Indonesia, in finding that customary forests were no longer state forests, thereby recognized the right of indigenous peoples to manage the lands in which they live. The petitioners[23] reminded the Court that the existence and rights of indigenous peoples had been specifically enshrined in the United Nations Declaration on the Rights of Indigenous Peoples.

27. In its 2014 judgment regarding a land rights case in the Chittagong Hill Tracts, the Supreme Court of Bangladesh referred to and quoted extensively from the Declaration on the Rights of Indigenous Peoples in support of its decision.

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[20] See *Aurelio Cal et al. v. Attorney General of Belize*, Supreme Court of Belize (Claims No. 171 and 172 of 2007), 18 October 2007 (Mayan land rights). See also Clive Baldwin and Cynthia Morel, "Recourir à la déclaration des Nations Unies sur les droits des peuples autochtones dans des actions en justice", in *Peuples Autochtones dans le Monde: Les Enjeux de la Reconnaissance*, Irène Bellier, coordinator. (Paris, L'Harmattan, 2013), p. 269.

[21] *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya*, 2009.

[22] George Mukandi Wachira and Tuuli Karjala, "The struggle for protection of indigenous peoples' rights in Africa", in *Handbook of Indigenous Peoples' Rights*, chap. 26, p. 399. See footnote 17 above.

[23] Indigenous Peoples' Alliance of the Archipelago (AMAN), Indigenous Peoples of Kenegerian Kuntu and Indigenous Peoples of Kasepuhan Cisitu.

28. In 2015, the Caribbean Court of Justice made a judgment in a case between the Maya Leaders Alliance and the Attorney General of Belize with respect to interpretation and application of the revised Treaty of Chaguaramas. In its judgment, the Court found that the United Nations Declaration on the Rights of Indigenous Peoples is relevant to the interpretation of the Constitution of Belize.[24]

Participation in decision-making

29. The full and effective participation of indigenous peoples in matters relating to their collective rights lies at the intersection between articles 3 and 18 of the United Nations Declaration on the Rights of Indigenous Peoples, which affirm, respectively, the right of indigenous peoples to self-determination and to freely pursue their economic, social and cultural development, and the right to participate in decision-making in matters that would affect their rights.

30. Many States recognize indigenous peoples' traditional government institutions and have established formal relationships which vary greatly from country to country and predate the adoption of the Declaration. For example, in 2009, the Act on Greenland Self-Government came into force, which meant that Greenland achieved a higher degree of self-government within Denmark. By Executive Order No. 13647 of 26 June 2013, the President of the United States of America established the White House Council on Native American Affairs to ensure the engagement of the Federal Government in a coordinated and effective government-to-government relationship with federally recognized tribes. The recognition of the Ainu people, referred to above, is another recent example of action in this area.

31. Indigenous peoples have the right to participate in decision-making through their traditional governments as well as in national Governments. Representatives have been elected from among indigenous communities, including the current President of the Plurinational State of Bolivia. There are (or have been) indigenous members of parliament in some countries, including Bangladesh, Burundi, Canada, Denmark, Ecuador, Guatemala, Indonesia, Mexico, Nepal and the Philippines. Indigenous parliaments have been established in Finland, Norway and Sweden for the Sami peoples. Indigenous peoples have largely been involved, however, at the local, municipal and rural levels. Legal reforms aimed at the recognition of the intercultural character of States, the promotion of women's leadership, and the establishment of mechanisms for binding political dialogue between indigenous peoples, private initiatives, parliaments and Governments are necessary steps which are conducive to the full participation of indigenous peoples.[25]

Consultation and consent

32. Under article 19 of the Declaration, States are required to consult and cooperate with indigenous peoples in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that affect them. This provision constitutes an example of what is sometimes referred to as constructive ambiguity, which may be necessary when consensus

[24] *The Maya Leaders Alliance et al. v. the Attorney General of Belize* [2015] CCJ 15 (AJ). See http://www.caribbeancourtofjustice.org/wp-content/uploads/2015/10/2015-CCJ-15AJ.pdf.

[25] See E/C.19/2014/6, paras. 13 and 75-76.

seems beyond reach. There is still little agreement among States and indigenous peoples on how consultations should be conducted in practice, and to what degree free, prior and informed consent is a requirement with regard to state actions. However, there has been some progress.

33. In the first international ruling on indigenous peoples' rights since the 2007 adoption of the United Nations Declaration on the Rights of Indigenous Peoples (*Saramaka People v. Suriname*), the Inter-American Court of Human Rights observed that, in explaining the position of the State in favour of the Declaration, the representative of Suriname had alluded to article 32 and accepted that States should seek prior consultation to prevent a disregard for human rights; and, further, that consultation should not be viewed as an end in itself, but should serve the purpose of respecting the interests of those who used the land.[26] In its landmark 2012 judgment on the case *Kichwa Indigenous People of Sarayaku v. Ecuador* (2012) on free, prior and informed consent, the Court concluded that the obligations of States to consult with indigenous peoples is now a general principle of international law.[27]

34. In Latin America, some countries recognize the importance of consultation with indigenous peoples. Following the promulgation in September 2011 of Act No. 29785 on the Right of Indigenous or Aboriginal Peoples to Prior Consultation, Peru moved to implement it through regulations approved by Supreme Decree No. 001-2012-MC. A methodological guide for consultation with indigenous peoples was prepared and training programmes on the right to consultation were offered to both indigenous peoples and government officials. In the Plurinational State of Bolivia, following the promulgation of Act No. 222 of 10 February 2012 on Consultation of Indigenous Peoples of the Isiboro-Sécure Indigenous Territory and National Park, processes of prior consultation were undertaken in cases extending beyond extractive projects, including infrastructure development. On 15 November 2013, Chile adopted Supreme Decree No. 66/2013, which regulates the procedure for consultation with indigenous peoples pursuant to the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), after a process of consultation with indigenous peoples which began in March 2011. At the same time, Chile clarified that consultation did not include the right of indigenous peoples to veto. Ecuador is continuing to work on an act on consultation with communes, communities, peoples and nationalities, which will regulate the application of free, prior and informed consent. The Mexican National Commission for the Development of Indigenous Peoples organized a consultation on the priorities for the development of indigenous peoples, which resulted in a national development plan covering the period 2013-2018.

35. In Asia, in 2012, the National Commission on Indigenous Peoples of the Philippines developed revised guidelines on free, prior and informed consent and related processes, which include consent by indigenous peoples. On the basis of a

[26] Inter-American Court of Human Rights, *Case of the Saramaka People v. Suriname. Judgment of November 28, 2007*, para. 131, footnote 131. See, also, Clive Baldwin et Cynthia Morel, "Recourir à la Déclaration des Nations Unies sur les droits des peuples autochtones dans des actions en justice" (see footnote 20 above).

[27] Rachel Sieder, "Indigenous peoples' rights and the law in Latin America", in *Handbook of Indigenous Peoples' Rights*, chap. 27, p. 419. See footnote 17 above.

series of nationwide public hearings, in August 2013, the Human Rights Commission of Malaysia issued a report on the land rights of indigenous peoples in which it recommended that indigenous customary rights to land should be recognized and called for the establishment of an independent national commission on indigenous peoples.

Education

36. Article 14 of the Declaration states that indigenous peoples have the right to their own educational systems, in their own languages, as appropriate to their cultural methods, and that States shall protect that right. The concept of intercultural education has been applied in targeted policies and programmes for indigenous peoples, especially in Latin America and the Caribbean. National education policies and curricula have been reformed to include an intercultural perspective which integrates both indigenous learning systems and traditional knowledge. The Government of Burkina Faso has introduced schooling for nomadic children through the creation of mobile schools. In Ecuador, the revitalization of ancestral knowledge pursuant to the Intercultural Education (Organization) Act aims towards the development of an intercultural society within the intercultural bilingual education system. The Plurinational State of Bolivia is implementing the Avelino Siñani-Elizardo Perez Act, which envisages the interplay among a basic plurinational curriculum, a regionalized curriculum and a diversified curriculum which is culturally, linguistically and territorially appropriate. In Chile, the National Indigenous Development Corporation has implemented the establishment of more than 150 intercultural kindergartens which received school materials relating to indigenous cultures and, in 2012, it modified the curricular bases so as to adapt them to the learning need of indigenous pupils. New Zealand has implemented a strategy covering the period 2013-2017 which aims at increasing the use of the Maori language in education. In Norway, the Kindergarten Act provides that kindergartens must take account of children's social, ethnic and cultural background, including the language and culture of Sami children. Bangladesh has taken steps to introduce education in the mother tongues of five major indigenous peoples in the country.[28]

Health

37. Article 24 of the Declaration determines that indigenous peoples have the right to the highest attainable standard of health and to their traditional medicines and the right to maintain their health practices. In the area of health, several countries have integrated the culture and traditional knowledge of indigenous peoples into public-health policies and plans at the national, regional and local levels. In Malaysia, mobile health units such as village health teams and the flying doctor service have increased access to almost 90 per cent of indigenous peoples living in remote areas. In Paraguay, the 2008 national policy on indigenous health, which later gave rise to a directorate for indigenous health, highlighted the need to establish family care units and to employ indigenous personnel. Ecuador is promoting culturally

[28] Mathura Bikash Tripura, "Indigenous languages: preservation and revitalization — articles 13, 14 and 16 of the United Nations Declaration on the Rights of Indigenous Peoples" (PFII/2016/EGM), paper prepared for the International Expert Group Meeting on Indigenous Languages, United Nations Headquarters, 19-21 January 2016.

appropriate deliveries in public hospitals and is revitalizing the role of midwives in the national health system. In Australia, work is under way on a new social and emotional well-being framework for Aboriginal and Torres Strait Islander peoples which recognizes the importance of connections to culture in the context of the health of indigenous peoples. On 19 December 2013, the Plurinational State of Bolivia adopted the Ancestral Bolivian Traditional Medicine Act with the objective of regulating the exercise and practice of traditional ancestral medicine in the national health system.

Indigenous children

38. Indigenous children are explicitly referred to in five articles of the Declaration, and youth are mentioned in articles 21 and 22. Article 22 requested that particular attention be paid to the rights and special needs of children (as well as other vulnerable indigenous persons) upon the implementation of the Declaration. In 2009, Paraguay established a support unit for indigenous children and adolescents to address the situation of street children and young people. Australia funds diversionary programmes for indigenous children to help them avoid incarceration and to tackle the incidence of petrol sniffing in remote indigenous communities. The Ministry of Education of the Plurinational State of Bolivia provides annual scholarships to students with limited financial resources. Further, there are special quotas for indigenous students in the indigenous universities. Indigenous children and young people in Chile can apply to an indigenous grants programme, which is designed to assist indigenous students financially. In Finland, the Ministry of Education and Culture has taken long-term measures to support the activities of young Sami people as part of the overall youth policy, including the establishment of a youth council in 2010.

39. While the description of policies, programmes and activities as provided in this note is far from exhaustive, it does indicate the range and diversity of actions that have been undertaken at the national level. Although it is difficult to attribute these activities directly to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, it can be stated that the Declaration does indeed play a role in informing and influencing decision-making at the national level. The Declaration has raised the expectations of indigenous peoples that States and the United Nations system will do more to promote their rights and will take concrete actions to ensure that the minimum standards set out in the Declaration are fulfilled. In this context, the mobilization and advocacy of indigenous peoples for the promotion and protection of their rights, as captured in the Declaration, constitute an integral component of its implementation.

III. Achievements at the international level

World Conference on Indigenous Peoples

40. In September 2014, the General Assembly organized the high-level plenary meeting of the Assembly known as the World Conference on Indigenous Peoples in order to share perspectives and best practices on the realization of the rights of indigenous peoples, including pursuit of the objectives of the United Nations

Declaration on the Rights of Indigenous Peoples. In the outcome document of the World Conference,[29] States reaffirmed their commitment to promoting and protecting the substantive rights of indigenous peoples, including those affirmed in the Declaration on the Rights of Indigenous Peoples. States also committed to take specific actions at the national and local levels to implement those rights through the development of legal, policy and administrative measures. The outcome document also called upon the United Nations system to prepare a system-wide action plan to ensure a coherent approach to achieving the ends of the Declaration.

41. The issue of participation of indigenous peoples at the United Nations was also raised in the outcome document, within the context of article 41 of the Declaration which states that "(w)ays and means of ensuring participation of indigenous peoples on issues affecting them shall be established". Some of the challenges faced by indigenous peoples in participating at the United Nations were highlighted in the report of the Secretary-General (A/HRC/21/24) on the ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them. It was noted in the report that there are important differences between indigenous peoples' organizations and non-governmental organizations. While at the national level, the State has often recognized these differences, existing mechanisms at the United Nations have not done so. A conclusion of the report was that the participation of indigenous peoples in the work of the United Nations has been a positive experience for the Organization and has enabled historically excluded peoples to work together peacefully and in partnership with States to advance their issues and elaborate their rights.

42. The President of the General Assembly has appointed four advisers — two from Member States and two from indigenous peoples — to assist him in carrying out consultations on the possible measures necessary, including procedural and institutional steps and selection criteria, to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them. Consultations were carried out during 2016 and will continue in 2017. On the basis of these consultations, the President of the Assembly will prepare a compilation of the views presented during the consultations, including good practices within the United Nations regarding indigenous peoples' participation, which will form the basis for a draft text to be finalized and adopted by the Assembly during its seventy-first session.[30]

43. The outcome document of the World Conference had called for a system-wide action plan to ensure a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples. The system-wide action plan was developed under the leadership of the Under-Secretary-General for Economic and Social Affairs, following consultations with indigenous peoples, Member States and the Inter-Agency Support Group on Indigenous Peoples' Issues.

44. The plan focuses on the following action areas: (a) raising of awareness on the United Nations Declaration on the Rights of Indigenous Peoples and indigenous issues; (b) support for the implementation of the Declaration, particularly at the

[29] General Assembly resolution 69/2.

[30] See General Assembly resolution 70/232, para. 19.

country level, (c) support for the attainment of indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development,[11] (d) conduct of an exercise to map existing policies, standards, guidelines, activities, resources and capacities within the United Nations and the multilateral system so as to identify opportunities and gaps; (e) development of the capacities of States, indigenous peoples, civil society and United Nations personnel at all levels; and (f) support for the participation of indigenous peoples in the processes that affect them.

45. The primary aim of the action plan is to increase coherence of the United Nations system in addressing the rights and well-being of indigenous peoples in its work, including in support of Member States, with the ultimate goal of implementing the Declaration. The United Nations system is already implementing the action plan, which was introduced to indigenous peoples and Member States at the opening of the fifteenth session of the Permanent Forum on Indigenous Issues in May 2016.

46. In the outcome document of the 2014 World Conference, the Human Rights Council was invited to review the mandates of its existing mechanisms, in particular the Expert Mechanism on the Rights of Indigenous Peoples, with a view to modifying and improving the Expert Mechanism so that it could more effectively promote respect for the United Nations Declaration on the Rights of Indigenous Peoples, including through better assisting Member States in monitoring, evaluating and improving the achievement of the ends of the Declaration.

47. On 30 September 2016, the Human Rights Council adopted its resolution 33/25,[12] in which the Council decided to amend the mandate of the Expert Mechanism on the Rights of Indigenous Peoples, which should provide the Council with expertise and advice on the rights of indigenous peoples as set out in the Declaration, and assist Member States, upon request, in achieving the ends of the Declaration through the promotion, protection and fulfilment of the rights of indigenous peoples. The revised mandate greatly strengthens the role of the Expert Mechanism in implementing the Declaration, including through an annual study on its achievement, disseminating good practices and lessons learned and providing technical advice and facilitating dialogue, at the request of Member States, indigenous peoples and/or the private sector.

United Nations system

48. Under article 41 of the United Nations Declaration on the Rights of Indigenous Peoples, the organs and specialized agencies of the United Nations system and other intergovernmental organizations are required to contribute to the full realization of the provisions of the Declaration through the mobilization of, inter alia, financial cooperation and technical assistance. Article 42 states that the United Nations, including the Permanent Forum on Indigenous Issues, and specialized agencies, shall promote respect for and full application of the provisions of the Declaration and follow up its effectiveness. In 2009, the Department of Economic and Social

[11] General Assembly resolution 70/1.

[12] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and Corr.1), chap. II.

Affairs organized an international expert group meeting on the role of the Permanent Forum in relation to article 42 of the Declaration. Building upon the findings of that meeting, the Permanent Forum, in the annex to the report on its eighth session (E/2009/43), issued general comments to determine the obligations of the Forum as set out in article 42 and how the Forum could fulfil those obligations. The Permanent Forum continues to integrate its mandates, stemming from the Declaration and from the resolutions of the Economic and Social Council, through its activities, recommendations and analysis.

49. Since the adoption of the Declaration in 2007, several United Nations entities and intergovernmental organizations have revisited their own work with indigenous peoples, either by developing corporate strategies, strategic frameworks and policies or by implementing specific projects and initiatives that respect the cultural and linguistic diversity and development priorities of indigenous peoples.[11] The guidelines on indigenous peoples designed to assist the United Nations system in mainstreaming and integrating indigenous peoples' issues into processes and programmes at the country level were approved by the United Nations Development Group in February 2008. The Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development (IFAD), the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD Programme), the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Human Settlements Programme (UN-Habitat), the World Bank, the Inter-American Development Bank, the International Finance Corporation, the Asian Development Bank, the European Union and the European Bank for Reconstruction and Development, among other organizations, have all developed policies on engagement with indigenous peoples, while others, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), are in the process of doing so. In addition, United Nations entities have prepared a range of guidelines and manuals which draw extensively on the Declaration on the Rights of Indigenous Peoples.

2030 Agenda for Sustainable Development

50. The Permanent Forum considered that the Millennium Development Goals had not taken full account of the specificities of indigenous peoples and that the indicators on progress, by measuring national averages, had failed to capture the specific situation of indigenous peoples. Indigenous peoples were largely missing in the implementation, monitoring and evaluation of the Goals.

51. In contrast to the Millennium Development Goals, the Sustainable Development Goals include explicit consideration of indigenous peoples, with six references to indigenous peoples in the 2030 Agenda for Sustainable Development. Two of the Sustainable Development Goal targets make specific references to indigenous peoples, committing to double agricultural output of indigenous small-scale farmers (target 2.3) and to ensure equal access to education for indigenous children (target 4.5).

[11] See background note for the development of a system-wide action plan. Available at http://www.un.org/esa/socdev/unpfii/documents/2016/egm/9_UN_Policies_IP_SWAP.pdf.

52. There is also a strong commitment in the 2030 Agenda to empower and engage indigenous peoples in implementing and reviewing progress in achieving the Goals. Member States are encouraged to include the contributions of indigenous peoples in the regular and inclusive reviews of progress.[14] Indigenous peoples participated in the first high-level political forum on sustainable development held after the adoption of the 2030 Agenda, in New York from 11 to 20 July 2016. The indigenous peoples major group participated in the official meetings of the high-level political forum and made several statements both in the general thematic discussions and during the national voluntary reviews.

53. Another major challenge to be addressed remains the limited availability of reliable data on the situation of indigenous peoples at the global, regional and national levels. Consistent with articles 18 and 19 of the Declaration and in line with the implementation of the 2030 Agenda for Sustainable Development, with the pledge that "no one will be left behind", the Permanent Forum strongly recommended at its fifteenth session that Member States and funds, programmes and specialized agencies of the United Nations system ensure the disaggregation of data on the basis of indigenous identifiers/ethnicity.[15]

IV. Conclusions

54. The implementation of the United Nations Declaration on the Rights of Indigenous Peoples has achieved some major successes. Constitutional and legislative frameworks that recognize indigenous peoples, including targeted policies and programmes, have been developed in some countries; and there is a need for Member States to cooperate in transferring these good practices for replication in other parts of the world. Furthermore, in some cases, there continues to be a gap between the formal recognition of indigenous peoples and the implementation of policies on the ground.

55. Through the organization of the World Conference on Indigenous Peoples by the General Assembly in September 2014, there was a galvanization of attention to the need for concrete action to enable achievement of the Declaration on the Rights of Indigenous Peoples. The process for the World Conference constituted in itself a good practice on the partnership between indigenous peoples and Member States, which worked together to identify gains and priorities for future action. The Assembly's process of considering ways to enable the participation of indigenous peoples at the United Nations represents a continuation of that good practice. In this regard, the outcome document of the World Conference is an accurate reflection of what States and indigenous peoples determined to be the most important elements of the focus needed to make the Declaration a reality on the ground. Of particular importance are the commitments made by States to implement national action plans, strategies and other measures and to take legislative, policy or administrative

[14] For more detailed information on indigenous peoples and the 2030 Agenda for Sustainable Development, see the document thereon submitted to the Forum at its sixteenth session under agenda item 9.

[15] See *Official Records of the Economic and Social Council, 2016, Supplement No. 23* (E/2016/43), chap. I.B, para. 28.

measures to achieve the ends of the Declaration. States also committed to engage in these efforts in consultation and cooperation with indigenous peoples.

56. The Commission on the Status of Women provides another example of concrete action. In response to the concerns of indigenous women, as reflected in recommendations of the Permanent Forum on Indigenous Issues, the General Assembly, in paragraph 19 of the outcome document of the 2014 World Conference, invited the Commission to consider the empowerment of indigenous women as a theme for a future session. At its sixtieth session in March 2016, the Commission decided to consider the empowerment of indigenous women as a focus area during its sixty-first session in 2017.[36]

57. Articles 41 and 42 of the Declaration assign clear mandates to the United Nations system and its specialized agencies, including at the country level, to contribute to the full realization of the Declaration and to follow up on its effectiveness. The development of the system-wide action plan on the rights of indigenous peoples is an important step in this direction. For the effective implementation of the action plan, it is important that the agencies, funds and programmes of the United Nations system, as well as other intergovernmental organizations, work together at all levels from the global to the local. It is important that indigenous peoples engage with the United Nations system to ensure that the action plan contributes positively to the rights and well-being of indigenous peoples. In this regard, the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples can play a key role through the exercise of their complementary mandates.

58. In the outcome document, States also committed to working with indigenous peoples to disaggregate data and to ensure that indigenous peoples have access to high-quality education and health care and that indigenous children are afforded the right to enjoy their own cultures and speak their own languages. States committed to intensifying efforts to eliminate violence, especially against indigenous women, and to supporting the empowerment of indigenous youth. All of these commitments require adequate legislative and policy action, as well as capacity-building of civil servants and overall awareness-raising on the Declaration and its provisions.

59. The implementation of the 2030 Agenda for Sustainable Development, with its pledge to leave no one behind, provides an opportunity for developing indicators to measure the progress of development initiatives that address the needs of indigenous peoples. To ensure that no one is left behind, it is imperative that disaggregated data be gathered on the situation of indigenous peoples, including with regard to health, education and income. Furthermore, sustainable development can be achieved only if the full and effective participation of indigenous peoples in matters that concern or may affect them is guaranteed. For this purpose, indigenous governance structures and institutions must be strengthened.

[36] See Economic and Social Council resolution 2016/3.

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2030 Agenda for Sustainable Development

Update on indigenous peoples and the 2030 Agenda

Note by the Secretariat

Summary

The present report provides an update on the implementation of the 2030 Agenda for Sustainable Development from the perspective of indigenous peoples. The Permanent Forum on Indigenous Issues, as an expert body to the Economic and Social Council, plays an important role in providing expert advice on how to ensure that the rights of indigenous peoples are effectively accounted for and realized in the implementation of the 2030 Agenda. The report includes substantive inputs from the Permanent Forum on Indigenous Issues for the thematic reviews of the high-level political forum on sustainable development in 2017, along with reflections on the theme of the high-level political forum in 2017, "Eradicating poverty and promoting prosperity in a changing world".

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I. Introduction

1. On 25 September 2015, the General Assembly, in its resolution 70/1, adopted the 2030 Agenda for Sustainable Development, including 17 Sustainable Development Goals and 169 associated targets. The 2030 Agenda is a universal, transformative and people-centred plan to achieve sustainable development, which emphasizes that, in its implementation no one will be left behind.

2. The 2030 Agenda for Sustainable Development, which came into effect on 1 January 2016, has been acclaimed as being a transformative and ambitious worldwide agenda. The Sustainable Development Goals are also regarded as a step forward for indigenous peoples in comparison to the Millennium Development Goals, under which indigenous peoples' issues were largely missing, and were seldom included in national action plans. Furthermore, indigenous peoples had little voice or participation in the development, implementation and monitoring of the previous Goals.

3. Indigenous peoples were engaged from an early stage in the development of the 2030 Agenda and its Goals and targets. As a result of their significant participation and the support by Member States, General Assembly resolution 70/1, "Transforming our world: the 2030 Agenda for Sustainable Development", makes six direct references to indigenous peoples, including in target 2.3 on agricultural productivity and incomes of small-scale food producers and target 4.5 on equal access to all levels of education. Moreover, the framework is based on the principles of human rights, equality, non-discrimination, sustainability and participation by right-holders, all of which are essential to indigenous peoples.

4. Nevertheless, major challenges to the rights of indigenous peoples remain in the implementation of the Sustainable Development Goals, in particular at the national level. Some of the main priorities for indigenous peoples are not reflected in the 2030 Agenda such as the principle of free, prior and informed consent and the right to self-determined development, as well as continued challenges related to lack of legal recognition of indigenous peoples and their individual and collective rights. Similarly, the absence of a culturally sensitive approach to development has been noted as a challenge for upholding indigenous peoples' rights and for the protection of their distinct cultures and ways of life.

5. To ensure that indigenous peoples are not left behind, it is essential that in the implementation of the Sustainable Development Goals full respect is given to the United Nations Declaration on the Rights of Indigenous Peoples. The Declaration constitutes a framework of minimum standards for the survival, dignity, well-being and rights of the world's indigenous peoples, as well as guidance on how to ensure peaceful dialogue and development priorities between indigenous peoples, Member States and other stakeholders.

6. Overall, the 2030 Agenda provides a new opportunity to put indigenous peoples at the centre as right-holders and active agents of their own development, with the support of Member States, United Nations agencies, the private sector and others. As stated by the Secretary-General during the negotiation of the 2030 Agenda:

"The 2030 Agenda for Sustainable Development must realize the rights of indigenous peoples across all the Goals. Indigenous peoples must not be left behind".

7. The United Nations Permanent Forum on Indigenous Issues, in its capacity as an expert body reporting to the Economic and Social Council, has a key role to play in ensuring that the rights and priorities of indigenous peoples are promoted in the framework of the 2030 Agenda and implementation of the Sustainable Development Goals. This report provides substantive inputs from the Permanent Forum to the thematic discussions of the high-level political forum 2017.

8. The report aims to assess the degree to which progress for indigenous peoples is reflected in 2016, the first year of the implementation of the 2030 Agenda, and how indigenous peoples have been engaged at all levels. The report also addresses the annual theme of the high-level political forum[1] "Eradicating poverty and promoting prosperity in a changing world", and of the Economic and Social Council,[2] "Eradicating poverty in all its forms and dimensions through promoting sustainable development, expanding opportunities and addressing related challenges", provides guidance on how to ensure inclusion of indigenous peoples in the implementation of the 2030 Agenda.

II. Overview of the 2030 Agenda from an indigenous perspective

9. The 2030 Agenda is a broad and universal policy agenda comprising integrated and indivisible Sustainable Development Goals and targets. The Agenda is based on a holistic and multidimensional understanding of development, which puts strong emphasis on human rights, the environment, social inclusion, equality, participation and economic progress.

10. Most of the Sustainable Development Goals and associated targets are relevant to indigenous peoples' rights and well-being: 156 of the 169 targets (92 per cent) are closely linked to human rights; and 73 of the 169 targets have substantial links to the United Nations Declaration on Rights of Indigenous Peoples.[3]

Specific references to indigenous peoples in the 2030 Agenda

11. In contrast to the Millennium Development Goals, the Sustainable Development Goals and targets include six explicit references to indigenous peoples. Two of the targets make specific references to indigenous peoples, committing to double the agricultural output of indigenous small-scale farmers (target 2.3) and to ensure equal access to education for indigenous children (target 4.5). There is also a strong commitment in the 2030 Agenda to empower and engage indigenous peoples in implementing and reviewing progress in achieving the Goals. At the national level, States are encouraged to include the contributions of indigenous peoples in the regular and inclusive reviews of progress (resolution 70/1, para. 79).

[1] See resolution 70/299.

[2] E/CN.6/2017/9, para. 7.

[3] Danish Institute for Human Rights (2016) — http://sdg.humanrights.dk.

References to indigenous peoples in resolution 70/1

- **Empowerment**
  - People who are vulnerable must be empowered. Those whose needs are reflected in the Agenda include all children, youth, persons with disabilities (of whom more than 80 per cent live in poverty), people living with HIV/AIDS, older persons, **indigenous peoples**, refugees and internally displaced persons and migrants. (para. 23)
- **Education and learning**
  - All people, irrespective of sex, age, race or ethnicity, and persons with disabilities, migrants, **indigenous peoples**, children and youth, especially those in vulnerable situations, should have access to life-long learning opportunities that help them acquire the knowledge and skills needed to exploit opportunities and to participate fully in society. (para. 25)
  - By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, **indigenous peoples** and children in vulnerable situations. (target 4.5)
- **Engagement**
  - Our journey will involve Governments as well as parliaments, the United Nations system and other international institutions, local authorities, **indigenous peoples**, civil society, business and the private sector, the scientific and academic community — and all people. Millions have already engaged with, and will own, this Agenda. (para. 52)
- **End hunger, achieve food security and improved nutrition and promote sustainable agriculture**
  - By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, **indigenous peoples**, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment. (target 2.3)
- **Participation in follow-up and review**
  - Such reviews should draw on contributions from **indigenous peoples**, civil society, the private sector and other stakeholders, in line with national circumstances, policies and priorities. National parliaments as well as other institutions can also support these processes. (para. 79)

Indicators and data disaggregation

12. In March 2016, the Statistical Commission agreed, as a practical starting point, with the proposed global indicator framework for the Goals and targets of the 2030 Agenda for Sustainable Development. The proposed global indicator framework list, which was developed by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators,[4] comprises 230 indicators for the measurement of progress on the implementation of the Goals.[5] This list constitutes a practical starting point for global monitoring of the Goals and is subject to future technical refinement. At the national level, the global list of indicators will also function as a source of guidance for the development of national indicator frameworks to review national progress towards sustainable development.

13. Among the indicators on the global indicator list are several that are crucial to monitor progress for indigenous peoples. These include the indicators that measure income of small-scale food producers by indigenous status (indicator 2.3.2) and indigenous peoples' access to education (indicator 4.5.1). The proposed indicators to measure secure land rights (indicators 1.4.2 and 5.a.1) refer to "type of tenure", which can capture the dimension of collective land rights as essential to measure indigenous peoples' collective relationship to their lands, territories and resources. Of particular relevance is also the indicator on peoples' perception of discrimination based on prohibited grounds of discrimination in international human rights law (indicator 10.3.1 and 16.b.1), which may be used to trace progress on indigenous peoples' experiences of discrimination.

Indicators relevant to indigenous peoples in the global list of indicators

2030 Agenda	*Indicators crucial to monitoring progress for indigenous peoples*
Goal 1 Target 1.2 (No poverty)	1.2.1 Proportion of population living below the national poverty line, by sex and age
Goal 1 Target 1.4 (Land rights)	1.4.2 Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure
Goal 2 Target 2.3 (Zero hunger)	2.3.2 Average income of small-scale food producers, by sex and indigenous status
Goal 4 Target 4.5 (Education)	4.5.1 Parity indices (female/male, rural/urban, bottom/top wealth quintile and others such as disability status, indigenous peoples and conflict affected as data become available) for all indicators on this list that can be disaggregated

[4] The Inter-Agency and Expert Group on the SDG indicators is a subgroup of the Statistical Commission.

[5] E/CN.3/2016/2/Rev.1, annex IV.

2030 Agenda	*Indicators crucial to monitoring progress for indigenous peoples*
Goal 5 Target 5.a (Gender equality)	5.a.1 (a) Percentage of people with ownership or secure rights over agricultural land (out of total agricultural population), by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure
Goal 10 Target 10.3 (Non-discrimination)	10.3.1 Percentage of the population reporting having personally felt discriminated against or harassed within the last 12 months on the basis of a ground of discrimination prohibited under international human rights law[6]

14. There has also been an overall focus on data disaggregation, which is essential to the monitoring of progress for indigenous peoples. The 2030 Agenda calls for States "to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts" (target 17.18).

15. While progress has been made in some countries, it remains a major challenge to ensure that official statistics include "indigenous identifiers", for example through questions on language, geography or self-identification. This is necessary to make indigenous peoples visible in statistics, and to be able to disaggregate data and capture the inequalities indigenous peoples face under all of the Sustainable Development Goals.

16. The Latin American region, with technical support from the Economic Commission for Latin America and the Caribbean (ECLAC), has seen major progress in the inclusion of questions on self-identification in their censuses and national statistics. While in the census round of 1990 only two countries had included criteria related to self-identification, by the time of the 2010 census, 21 countries had incorporated such criteria.[7]

17. Good practices in formulating questions for self-identification[8] are emerging from the region with relevance to ensuring statistical visibility of indigenous peoples and disaggregation of data within the framework of target 17.18 of the 2030 Agenda.

Human rights, equality and non-discrimination

18. The 2030 Agenda is grounded on the principles of human rights, human dignity, non-discrimination, equality and participation that are essential for

[6] This indicator on discrimination and harassment is repeated under two targets (10.3 and 16.b).

[7] http://www.cepal.org/en/pressreleases/eclac-supports-statistical-visibility-and-participation-indigenous-peoples-2030-agenda.

[8] Fabiana Del Popolo and Susana Schkolnik (2013), "Pueblos indígenas y afrodescendientes en los censos de población y vivienda de América Latina: avances y desafíos en el derecho a la información", ECLAC, *Notas de Población*, vol. 40, N° 97 (http://www.cepal.org/es/publicaciones/37682-notas-poblacion-vol40-ndeg-97).

indigenous peoples' access to all of their rights. This includes the 2030 Agenda's overarching theme and aim to "leave no one behind".

19. Indigenous peoples make up 5 per cent of the world's population, but comprise 15 per cent of the world's poorest communities. They are often among the most vulnerable and marginalized sections of society. Indigenous peoples, in over five centuries of conquest, colonization and assimilation, have been dispossessed of their lands, territories and resources, prevented from living according to their own cultures and traditions, forbidden to speak their own languages and left behind in innumerable other ways. They are one of the core groups that the 2030 Agenda seeks to reach.

20. As a universal framework to be addressed equally by developed and developing countries, the 2030 Agenda has relevance to indigenous peoples all over the world, including those living in high-income countries, where national statistical averages have often concealed structural inequalities and the deprived social and economic status of indigenous populations.

21. In addition, the 2030 Agenda, which is grounded in the Universal Declaration of Human Rights and international human rights treaties (resolution 70/1, para. 10), emphasizes the responsibilities of States to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status (ibid., para. 19). The Agenda also highlights the importance of its implementation "in a manner that is consistent with the rights and obligations of States under international law" (ibid., para. 18).

22. Equality and non-discrimination are emphasized as main principles throughout the 2030 Agenda, including under two equality-related Goals, one on gender equality and the empowerment of women and girls (Goal 5) and the other on reducing inequality within and among countries (Goal 10). The Agenda also contains a pledge to promote equality across all 17 goals through commitments: to inclusion; to leave no one behind; to reaching those furthest behind first; and to data disaggregation to track inequalities.

23. Furthermore, the participation of right-holders in the implementation, follow-up and review of the 2030 Agenda is asserted, and is one of the main elements ensuring the accountability of Member States to the 2030 Agenda as an aspirational document.

Gaps and challenges in the 2030 Agenda

24. Despite the above advances, the Sustainable Development Goals still have a number of gaps and may also involve potential risks for indigenous peoples.

25. During the fifteenth session of the Permanent Forum, indigenous peoples raised concerns over the general lack of recognition of indigenous peoples' collective rights in the 2030 Agenda in terms of land, health, education, culture and ways of living. Indigenous peoples rights are strongly grounded in article 1 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that "Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration on Human Rights and international human rights law".

26. The concept of self-determination, as enshrined in articles 3 and 4 of the United Nations Declaration on the Rights of Indigenous Peoples, and essential to the right of indigenous peoples to define their economic, political, social and cultural development, is also not strongly reflected. While the 2030 Agenda recognizes poverty as a multidimensional and not only monetary phenomenon, there is a recurring emphasis on growth in gross domestic product (GDP), industrialization and increased production that threatens to undermine indigenous peoples' holistic approaches to development. The principle of "free, prior and informed consent", as guaranteed in the ILO No. Convention 169 (the Indigenous and Tribal Peoples Convention) and in the United Nations Declaration on the Rights of Indigenous Peoples, is not referred to in the 2030 Agenda, although "free, prior and informed consent" is essential in order to ensure respect for indigenous peoples' rights to self-determination as well as other indigenous rights.

27. The 2030 Agenda has also been criticized by indigenous peoples for its lack of culture sensitivity across several Goals, including health and education. For instance, mother-tongue education, which has been repeatedly noted and called for as essential to addressing indigenous peoples' disadvantages in the school system and society at large, is included neither in the targets nor indicators of the Agenda.[9]

28. While welcoming the grounding of the 2030 Agenda on a human rights basis, more can be done to ensure that its implementation also follows a human rights-based approach by adhering to principles of empowerment, inclusion and participation of indigenous peoples as equal partners. Furthermore, not only Governments but also the private sector needs to be held accountable for respecting the rights of indigenous peoples. In this regard, indigenous peoples have expressed a need to change the current mind-set from a focus on indigenous peoples as recipients of assistance to recognition of indigenous peoples as active right-holders and participants in the implementation of the 2030 Agenda.[10]

29. The contributions of indigenous peoples to sustainable development are an important factor in implementing the 2030 Agenda. Much of the world's natural resources and biologically diverse areas are contained within the traditional lands and territories of indigenous peoples. Indigenous peoples can inspire and share their wealth of traditional knowledge and practices related to sustainable agriculture, seed diversity, traditional health and medical plants, ecosystem management and communal justice practices, and they must be given the opportunity to participate actively at all levels, from national to global forums, and to make their voices and concerns heard in the implementation processes of the 2030 Agenda. In this regard, further capacity-building of all development actors, including States, the private sector and indigenous peoples, is essential to ensure a full understanding of the links between indigenous peoples' rights and the Sustainable Development Goals.

[9] See E/C.19/2016/10.
[10] See E/HLPF/2016/2.

General Assembly resolution 71/178 on the rights of indigenous peoples

30. In 2016, the Member States recommitted themselves to ensuring that the rights of indigenous peoples are at the centre of the implementation of the 2030 Agenda. The General Assembly, in its resolution 71/178, stressed "the need to ensure that no one is left behind, including indigenous peoples, who will benefit from and participate in the implementation of the 2030 Agenda".

31. In its resolution 71/178, Member States were also encouraged to "give due consideration to all the rights of indigenous peoples in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development and in the elaboration of national programmes", to "consider including in their voluntary national reviews for the high-level political forum on sustainable development and their national and global reports information related to indigenous peoples on progress made and challenges in implementation of the 2030 Agenda", and to "compile disaggregated data to measure progress and to ensure that no one is left behind".

32. This commitment addressed the main recommendations contained in the report of the United Nations Permanent Forum on Indigenous Issues on its fifteenth session, which highlighted three main priorities for indigenous peoples in the implementation of the 2030 Agenda: (a) data disaggregation; (b) participation of indigenous peoples in developing national action plans; and (c) participation of indigenous peoples in follow-up and review:

> "Consistent with articles 18 and 19 of the United Nations Declaration and in line with the implementation of the 2030 Agenda for Sustainable Development, with the call to 'leave no one behind', the Permanent Forum strongly recommends that States and funds, programmes and specialized agencies of the United Nations system ensure the disaggregation of data on the basis of indigenous identifiers/ethnicity and the full and effective participation of indigenous peoples in developing and monitoring national action plans and in all processes relating to the follow-up to and review of the implementation of the Sustainable Development Goals, including at the high-level political forum on sustainable development".[11]

33. These commitments are relevant at the national level in the process of developing national action plans on the 2030 Agenda, national indicator frameworks, mechanisms for consultations, programmes and budgets as well as mechanisms for follow-up and review.

III. Monitoring progress of indigenous peoples in implementing the 2030 Agenda

34. In 2016, indigenous peoples have continued their engagement in the implementation the 2030 Agenda and the Sustainable Development Goals. They have participated actively at national, regional and global levels to ensure that the voice and rights of indigenous peoples are respected and promoted as the 2030 Agenda is being operationalized and implemented across the world. This

[11] E/2016/43, para. 28.

section highlights the engagement of indigenous peoples and the progress achieved at various levels.

High-level political forum 2016

35. Representatives of indigenous peoples participated in the first high-level political forum held after the adoption of the 2030 Agenda, which took place in New York from 11 to 20 July 2016. The indigenous peoples major group, as one of the nine major groups reporting to the Economic and Social Council, was present with a delegation at the meetings of the forum and made statements both at the general thematic discussions, as well as during the national voluntary reviews. The United Nations Permanent Forum on Indigenous Issues was represented by the Chair of the Forum.

36. The ministerial declaration adopted as the outcome document of the high-level political forum[12] included one reference to indigenous peoples, related to "leaving no one behind" and empowering the vulnerable. In the declaration, Member States committed:

> "to focusing our efforts where the challenges are greatest, including by ensuring the inclusion and participation of those who are furthest behind. We deem it of critical importance, in this regard, to protect and empower people who are vulnerable. We recall that those whose needs are reflected in the 2030 Agenda include all children, adolescents, youth, persons with disabilities, people living with HIV/AIDS, older persons, indigenous peoples, refugees and internally displaced persons, migrants and peoples living in areas affected by complex humanitarian emergencies, and peoples in areas affected by terrorism and conflict".[13]

37. As a subsidiary body of the Economic and Social Council, the United Nations Permanent Forum on Indigenous Issues provided substantive inputs to the thematic review of the high-level political forum in 2016, highlighting the need to ensure that indigenous peoples are not left behind in the implementation of the 2030 Agenda. The substantive inputs advanced the recommendations made by the Permanent Forum at its fifteenth session, highlighting, in particular, the need for disaggregated data, the need for the participation of indigenous peoples in developing and reviewing national action plans and the need for full respect and promotion of indigenous peoples' rights, as reflected in the United Nations Declaration on the Rights of Indigenous Peoples, in implementing the 2030 Agenda. The substantive inputs were included and are available in the online review platform with inputs for the high-level political forum.[14]

38. Indigenous issues were also raised at the high-level political forum through side events[15] and outreach. Furthermore, the Chair of the Forum was invited as a lead discussant in the panel "Ensuring that no one is left behind — envisioning an

[12] E/HLS/2016/1, available at: https://sustainabledevelopment.un.org/hlpf.

[13] Ibid., para. 5.

[14] https://sustainabledevelopment.un.org/hlpf/input.

[15] A side event was hosted by the secretariat of the Permanent Forum on Indigenous Issues and the International Fund for Agricultural Development (IFAD), in cooperation with the Permanent Mission of Australia to the United Nations and ECLAC.

inclusive world in 2030" on the opening day of the high-level political forum. A representative of the indigenous peoples major group also advocated the inclusion of indigenous rights in this process and participated during the thematic discussions as well as the voluntary national reviews.

National voluntary reviews at the high-level political forum in 2016

39. Out of the 22 national voluntary reviews discussed during the high-level political forum in 2016, seven mentioned indigenous peoples in their reports, either as a global priority or as a national concern.[16] The main issues referred to in those reports included the acknowledgement of indigenous peoples as a group at risk of being left behind, the importance of obtaining data on indigenous peoples, mechanisms of consultation with indigenous peoples in the 2030 Agenda and the socioeconomic situation of indigenous peoples.

40. Among the national voluntary reports addressing indigenous peoples, some good practices were highlighted in terms of ensuring indigenous peoples participation in national action plans and follow-up and review processes. For example, the report of Norway highlighted that the *Sámediggi* (Sami Parliament) will participate in implementation and follow-up to the Sustainable Development Goals and that indigenous peoples had been consulted in formulating the national voluntary review.[17] Similarly, the report of Finland noted that the National Commission on Sustainable Development, which has a mandate to follow up on the 2030 Agenda, includes one indigenous representative, the President of the Finnish Sámi Parliament.[18] In terms of national indicators for the 2030 Agenda, Mexico, Uganda and Venezuela (Bolivarian Republic of), in their national voluntary reports, discussed the inclusion of some of the global indicators referring to indigenous peoples into their mapping of national targets and indicators.

41. On 29 July 2016, the General Assembly adopted resolution 70/299, "Follow-up and review of the 2030 Agenda for Sustainable Development at the global level", in paragraph 7 of which it reiterated its commitment to include various stakeholders in the voluntary national reviews by referring to paragraph 79 of resolution 70/1, which contains a specific reference to indigenous peoples.

Global reports on sustainable development

42. Indigenous peoples were also included in the two global reports that fed into the discussions at the high-level political forum, which took stock of the achievements made thus far in the implementation of the 2030 Agenda.

43. The quadrennial *Global Sustainable Development Report*,[19] which was designed as an assessment report rather than a report pioneering new knowledge, presented a range of scientific perspectives relevant to the 2030 Agenda. The report makes several references to indigenous peoples and has a specific section on indigenous peoples' inclusion and role in parliaments.

[16] See https://sustainabledevelopment.un.org/hlpf inputs.

[17] See national report of Norway (https://sustainabledevelopment.un.org/hlpf/2016/norway).

[18] See national report of Finland (https://sustainabledevelopment.un.org/hlpf/2016/finland).

[19] The *Global Sustainable Development Report* is available at: https://sustainabledevelopment.un.org/globalsdreport/2016.

44. The 2016 *Sustainable Development Goals Report*,[20] the inaugural report on the implementation of the Sustainable Development Goals, provided a baseline and analysis of selected indicators from the global indicator framework for which data were available in 2016. The report makes reference to indigenous peoples under narratives related to "leaving no one behind", but the data presented are not disaggregated so as to provide a baseline measure for indigenous peoples. Data was also not available under Goals 2 and 4, both of which explicitly mention and contain indicators referring to indigenous peoples.

Developing indicators and data disaggregation

45. As discussed above, the global Sustainable Development Goals indicator list, which was agreed upon as a starting point by the Statistical Commission in March 2016, makes reference to indicators relevant for and proposed by indigenous peoples (see para. 13 above).

46. Some of the indicators in the global list are still undergoing revision/review by Member States through the Inter-Agency Expert Group on Sustainable Development Goals.[21] Indigenous peoples who have participated in this process, primarily through the indigenous peoples major group, emphasized, in particular, the need to ensure data disaggregation according to indigenous or ethnic status.

47. Of greatest importance now are the national processes of identifying indicators to monitor the implementation of the 2030 Agenda. In this regard, indigenous peoples are calling on Member States to include the global indicators that are relevant to indigenous peoples in addition to developing further indicators that reflect indigenous priorities at national level (including, for instance, recognition of indigenous identity and communal land). Furthermore, the inclusion of indigenous identifiers in national censuses and other sources of statistics is an overall priority in order to ensure disaggregation across all other indicators, as discussed above.

48. Cooperation between national statistical offices and indigenous communities to integrate community-based data into national statistics as a supplement to official statistics has also been highlighted as a good practice. For example the Indigenous Navigator project[22] provides data that reflects both the subjective and objective assessments of indigenous communities with regard to the degree of access to the rights set out in the United Nations Declaration on the Rights of Indigenous Peoples. It also covers essential aspects of the Sustainable Development Goals from the perspective of indigenous peoples on the ground and could in this way supplement official national statistics on indigenous issues.

Regional and national level implementation

49. In 2016, Member States began discussing first steps to implement the 2030 Agenda at the national level, including through the development of national actions plans. It is crucial that States include indigenous peoples in their planning and

[20] The *Sustainable Development Goals Report 2016* is available at: http://unstats.un.org/sdgs/report/2016/.

[21] See http://unstats.un.org/sdgs/.

[22] Information about the Indigenous Navigator project is available at: www.indigenousnavigator.org/statistics.

budgets, as well as in their targets and indicators to implement and review the 2030 Agenda. It is essential that indigenous peoples engage with their Governments, including by advancing concrete suggestions on how to ensure that their rights are reflected in the context of their own particular country. For this purpose, permanent consultation mechanisms need to be established or revitalized. At the country level, entities of the United Nations system can provide support and guidance on good practices on dialogue and consultations involving indigenous peoples. The United Nations system-wide action plan on indigenous peoples (2016) provides guidance to the organizations of the entire United Nations system on how to ensure a coherent approach to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, including action elements related to the implementation of the 2030 Agenda.

50. As set out in the 2030 Agenda, Governments have the primary responsibility for follow-up and review, at the national, regional and global levels, in relation to the progress made in implementing the Sustainable Development Goals and targets (resolution 70/1, para. 47). Concrete entry points for indigenous peoples at the national level include multi-stakeholder briefings, consultations, workshops and capacity-building activities as well as national commissions established as platforms for the implementation of the 2030 Agenda.

51. Follow-up and review at regional level will focus on identifying regional trends, providing a space for peer-reviews and addressing specific regional challenges. In 2016, the regional commissions organized a number of regional forums on sustainable development as a preparation for the high-level political forum. Representatives of indigenous peoples participated in some of the meetings of the regional forums, including those held in the Asia-Pacific and Latin American regions. The regional forums which are scheduled for 2017 will also provide important platforms for indigenous peoples, including by ensuring learning across countries on efforts to implement the 2030 Agenda, in line with the United Nations Declaration on the Rights of Indigenous Peoples.

IV. Reflections on the theme of the high-level political forum in 2017: "Eradicating poverty and promoting prosperity in a changing world", from the perspective of indigenous peoples

52. In 2017, the high-level political forum will consider the theme "Eradicating poverty and promoting prosperity in a changing world" and will also review Sustainable Development Goals 1, 2, 3, 5, 9 and 14. All of these Goals are relevant to the concerns of indigenous peoples, who are often among the most vulnerable, poor and marginalized.

53. Indigenous peoples' poverty is often a consequence of structural discrimination and marginalization. As such, the ambition of the 2030 Agenda to ensure equality of opportunity and outcome by addressing discriminatory laws and practices is crucial in order to ensure real progress in the eradication of poverty among indigenous peoples. Therefore, while implementation of the Goals related to poverty eradication, zero hunger, good health and well-being and access to education are essential in addressing the persistent marginalization indigenous

peoples face, these Goals need to be implemented in combination with a focus on human rights and in concert with implementation of Sustainable Development Goal 10 on social, economic and political inclusion.

54. The Goals related to secure land rights (under Goals 1 and 5), equal rights to economic resources (target 1.4), equitable sharing of benefits arising from genetic resources and traditional knowledge (target 2.5), the promotion of resilient and sustainable agricultural practices (target 2.3) and the maintenance of seed diversity (target 2.5) are also of great importance in efforts to eradicate poverty in indigenous communities.

55. Indigenous peoples are closely attached to their lands, territories and resources. Land is not merely an economic and productive asset for indigenous peoples, but a defining element of their identity, culture and relationship to ancestors and future generations. However, lands, territories and resources have also been the source of most of the conflicts and human rights violations that indigenous peoples have faced, and continue to face.

56. In cases where the shift towards renewable and clean energy projects, such as hydropower dams, threaten their lands, indigenous peoples face new risks. It is therefore necessary to secure indigenous peoples' land rights, as stipulated in international law, in particular ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples, in particular to ensure the free, prior and informed consent of indigenous peoples in all matters related to land and development priorities.

57. In this regard, there is a need to recognize indigenous land tenure systems as well as the special needs of indigenous nomadic and semi-nomadic communities, such as hunter-gatherers and pastoralist communities. Land demarcation and titling, protection against land grabbing and encroachment, as well as mechanisms of redress, are crucial to protect indigenous peoples and ensure that they are not left behind.

V. Conclusions and focus areas in 2017 in light of the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples

Implementing the 2030 Agenda with full respect for the rights of indigenous peoples

58. Member States are encouraged to give due consideration to all the rights of indigenous peoples in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development and in the elaboration of national programmes. By protecting and promoting the rights of indigenous peoples, as reflected in the United Nations Declaration on the Rights of Indigenous Peoples, States will be able to overcome remaining challenges faced by indigenous peoples and thereby ensure that they are not left behind.

Making indigenous peoples visible in data and in the review of the 2030 Agenda

59. To ensure that no one is left behind, the 2030 Agenda calls for States "to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts" (resolution 70/1, target 17.18). Data-disaggregation according to indigenous identity across all Sustainable Development Goals and targets is important to follow the progress for indigenous peoples.

60. At national level, this would involve supporting indigenous peoples in identifying relevant indicators for national indicator frameworks, including integrating relevant global indicators and defining additional national indicators. Furthermore, ensuring data-disaggregation and recognition of indigenous identity in national statistics (censuses, surveys and other sources of statistics) would be helpful in assessing progress for indigenous peoples compared to other sections of the population. The integration of community-based data by indigenous peoples into national statistics and reports on the 2030 Agenda is a way to further include the perspectives of indigenous peoples in the follow-up process.

61. At the global level, under the Statistical Commission, the Inter-Agency and Expert Group on Sustainable Development Goals Indicators could support the further methodological development of the relevant indicators reflecting indigenous peoples' priorities, including, in particular, indicators 1.4.2, 2.3.2 and 4.5.1.

Ensuring indigenous peoples' participation in implementation, follow-up and review processes

62. The 2030 Agenda calls for indigenous peoples to walk with Member States and other stakeholders on the road to 2030, including by participating in follow-up and review. With regard to national level implementation of the Agenda, indigenous peoples can contribute to the development of national action plans, as well as towards follow-up and review nationally, regionally and globally at the high-level political forum for sustainable development.

63. In terms of follow-up and review, Member States are encouraged to consider including in their voluntary national reviews for the high-level political forum on sustainable development and in their national and global reports in this regard, information related to indigenous peoples on progress made and challenges faced in the implementation of the 2030 Agenda. This can be done through establishing or revitalizing permanent consultation mechanisms between indigenous peoples and Member States.

64. As custodians of many of the world's most biodiverse areas, protectors of the Earth and experts in traditional knowledge on sustainable living, indigenous peoples have much to contribute to the 2030 Agenda and to the achievement of the Sustainable Development Goals for all.

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Follow-up to the recommendations of the Permanent Forum

Compilation of information from Member States on addressing the recommendations of the Permanent Forum

Note by the Secretariat

Summary

The present report is a compilation of the responses received from Member States to a questionnaire on action taken to implement the recommendations of the Permanent Forum on Indigenous Issues and the recommendations contained in the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples. The questionnaire and the full responses from Member States are available on the website of the sixteenth session of the Permanent Forum (www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/sixteenth-session.html).

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I. Introduction

1. The annual sessions of the Permanent Forum on Indigenous Issues provide an important platform for Member States and indigenous peoples to share experiences and challenges, as well as to learn of different strategies that could be used to address their concerns. The recommendations of the Permanent Forum address a wide range of issues that are reflected in its broad thematic mandate, including education, culture, health, human rights, environment and economic and social development. Recommendations in these mandated areas and on other topics that are relevant to indigenous peoples have been made to Member States, United Nations agencies, funds and programmes, indigenous peoples and civil society organizations.

2. In order to assess action taken by Member States to implement recommendations, a questionnaire is distributed annually to Member States. In 2016, through the secretariat of the Permanent Forum, Member States were asked to respond to 10 questions regarding their implementation of Forum recommendations, the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples. Responses have been received from Denmark and Greenland, El Salvador, Honduras and Peru.[1]

3. The questionnaire requested information from Member States with respect to the following:

(a) Measures taken to address the recommendations made by the Forum at its fifteenth session and at its previous sessions;

(b) Main challenges encountered by Governments in implementing the recommendations of the Forum;

(c) Factors that facilitated implementation by Governments of Forum recommendations;

(d) Main achievements in strengthening the rights of indigenous peoples;

(e) Assessment of gains and achievements in efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples;

(f) Measures taken or planned relating to policies and mechanisms for maintaining and building on those gains;

(g) Empowerment of indigenous women and indigenous youth;

(h) Collection of disaggregated statistical data on indigenous peoples and accessibility of collected information;

(i) Implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, and how the United Nations system could best support their efforts to achieve the aims of Declaration, in particular, the preparation of national action

[1] The questionnaire was sent to the 193 States Members of the United Nations. The comprehensive responses are available from www.un.org/indigenous.

plans, strategies or other measures to achieve the aims of the Declaration and the participation of indigenous peoples in that process;

(j) Inclusion of information on indigenous peoples in the follow-up and review of the 2030 Agenda for Sustainable Development and efforts to capture progress in its implementation with respect to indigenous peoples.

II. Responses of Member States to the questionnaire

4. The actions of States were diverse and reflect different levels of political commitment. Generally speaking, Member States have provided information relating to structural, process and outcome-oriented measures taken at the national level with respect to indigenous peoples. Structural measures reflect the ratification or adoption of legal instruments and the existence of the basic institutional mechanisms necessary for the realization of human rights. Process measures refer to policy instruments, programmes and specific interventions taken by States and individuals to protect and fulfil rights. Finally, outcome measures, whether direct or indirect, have also been reported in relation to the realization of indigenous peoples' rights.

5. A summary of the information provided in the responses that is most relevant to the situation of indigenous peoples is presented below. Owing to space limitations, not all examples of laws, policies and programmes at the national level relevant to indigenous peoples are reflected in the present report. The information summary is organized around five main themes: (a) recommendations of the Permanent Forum; (b) main achievements in strengthening the rights of indigenous peoples; (c) progress in the implementation of the United Nations Declaration on the Rights of Indigenous Peoples; (d) implementation of the outcome document of the World Conference on Indigenous Peoples; and (e) indicators of progress and data collection.

A. Recommendations of the Permanent Forum

Recognition of indigenous languages

6. In reference to the recommendation in the report on the fifteenth session of the Permanent Forum relating to the recognition of the language rights of indigenous peoples and the development of language policies to promote and protect indigenous languages (see E/2016/43, para. 9), the following responses are of relevance:

7. Denmark stated that the Act on Greenland Self-Government of 2009 recognized the right of Greenlandic peoples to self-determination under international law, with the Greenlandic language being the official language of Greenland. In 2010, the Law on Language Policy, adopted by the parliament of Greenland, sought to strengthen the Greenlandic language as the mother tongue and as a second language for some inhabitants. Private companies, public authorities and institutions were required to adopt language policies when working in Greenland.

8. In El Salvador, the Secretary of Culture of the Presidency had developed a framework for bilingual intercultural education within the formal education system in order to preserve and revitalize indigenous languages. El Salvador also pointed out that measures had been taken to preserve and disseminate the Nahuat-Pipil indigenous language. In addition, various international instruments related to indigenous peoples, including the United Nations Declaration on the Rights of Indigenous Peoples, had been translated into the Nahuat language. Similarly, the Government of Peru had implemented itinerant platforms of social action, with several workshops to promote indigenous languages in the Loreto region.

Indigenous youth

9. In reference to the recommendation in the report on the fifteenth session that referred to indigenous youth (see E/2016/43, para. 32), in El Salvador, the Secretary of Culture of the Presidency, with the support of the United Nations Educational, Scientific and Cultural Organization implemented an eight-month training programme for 30 indigenous youth. As a result, an indigenous youth association was established. However, the lack of adequate financial resources limited the participation of indigenous youth in other forums.

Protection of traditional knowledge

10. In the report on its fifteenth session, the Permanent Forum highlighted the need to develop legislative measures, with the full and effective participation of indigenous peoples, to protect traditional medicine and knowledge and to secure the rights of indigenous peoples to intellectual property (see E/2016/43, para. 44). The responses related to that recommendation are as follows:

11. The National Registry Centre of El Salvador implemented a national policy that promoted the cultural development, protection of biodiversity and common heritage, traditional knowledge and cultural expressions of indigenous peoples. The Government pointed out in its report, however, that there was a need to establish adequate mechanisms to safeguard biodiversity and the traditional knowledge of indigenous peoples. In that regard, the Government was organizing workshops and on-site visits to raise awareness and spur action to promote and protect the cultural expressions, wisdom and traditional knowledge of indigenous peoples.

12. Denmark stated that, in 2016, the parliament of Greenland had adopted Law No. 3 on the use of genetic resources and activities related to conservation of biological diversity, the sustainable use of genetic resources and fair and equitable sharing of benefits arising from the utilization of traditional knowledge associated with genetic resources held by indigenous peoples and local communities. The Government of Greenland had the sovereign right to possess and utilize Greenland's genetic resources and to permit others to collect and use Greenland's genetic resources. The provisions of the Greenland Parliament Act on genetic resources and their utilization also applied to traditional knowledge associated with genetic resources held by indigenous peoples and local communities, and the utilization thereof.

13. In response to the same recommendation, Peru, through Supreme Decree No. 006-2016-MC, established a multisectoral permanent commission on the

safeguarding and revalorization of the knowledge, wisdom and traditional and ancestral practices of indigenous peoples. The commission was led by the Ministry of Culture. It was composed of representatives of various institutions that dealt with those issues as well as two representatives of a working group on indigenous policies that was established pursuant to ministerial resolution No. 403-2014-MC, with the aim to engage in a dialogue with indigenous peoples. The commission prepared technical reports with proposals for the design of normative instruments on the safeguarding, protection, promotion and revalorization of the knowledge, wisdom and traditional practices of indigenous peoples, and followed up on the implementation of those norms.

Support to representative institutions of indigenous peoples

14. In reference to the recommendation in the report on the fifteenth session that called upon States to support the activities of representative institutions of indigenous peoples (see E/2016/43, para. 22), the following responses are pertinent:

15. In El Salvador, the Secretary of Culture of the Presidency established a multisectoral space where indigenous peoples' organizations and communities and government representatives identified joint actions to design programmes and public policies for the well-being of indigenous peoples.

16. Peru established a permanent dialogue mechanism between indigenous peoples and the Government. The United Nations Development Programme (UNDP), the International Labour Organization and the Office of the Ombudsperson participated actively in the mechanism. Its aim was to coordinate, propose and follow up on public policies related to indigenous peoples. In addition, the Ministry of Culture prepared a guide on the provision of public services in a culturally relevant manner so that public servants could serve indigenous peoples and Afro-Peruvians in a culturally appropriate manner. The guide was implemented in 2015 and 2016 by public entities in the health and education sectors, as well as by the local governments of the Ayacucho, Loreto and Ucayali regions. In addition, the Ministry of Culture, in coordination with the Ministry of Health, local authorities of the Loreto region and other Amazonian regions, indigenous peoples' organizations and others, developed an action plan to prevent HIV/AIDS, tuberculosis and malaria with an intercultural focus.

Situation of indigenous children and women

17. Denmark and Greenland reported that the Greenland Government had taken over responsibility for all domestic affairs in Greenland, including social affairs, gender equality and education. In response to the high rate of suicide in Greenland, the Government and other international and national organizations had taken measures and implemented initiatives to prevent suicides. One of the measures included the first national strategy on suicide prevention for the period 2013-2019 that involved coursework and education for local communities and professionals such as teachers, social workers and doctors.

18. In 2012, the Government of El Salvador adopted a general law on youth that reflected the need to raise awareness and expand knowledge of the rights of indigenous children and adolescents and to provide training to those working with

and for them. In regards to indigenous women, in 2011, El Salvador adopted a law on equality, equity and the eradication of discrimination against women. That law guaranteed the rights of women and prohibited discrimination against women based on their socioeconomic condition or ethnic, cultural or political background. In 2012, a special integral law on a life free from violence for women came into force.

19. In 2016, Honduras adopted a policy against racism and racial discrimination for the comprehensive development of indigenous and Afro-Honduran peoples. The policy addresses social and political participation, gender equality and the empowerment of indigenous women and girls, intercultural education and health, lands and natural resources and access to justice. The Directorate of Indigenous and Afro-Honduran Peoples, through a consultation process at the national level with representatives of indigenous peoples' organizations, implemented a project on gender equality and empowerment of indigenous women and girls with the support of the Office of the United Nations High Commissioner for Human Rights, UNDP and the Swiss Agency for Development and Cooperation. In addition, indigenous women have participated in workshops to draft a law on free, prior and informed consent that is in the final stage of approval by indigenous peoples' organizations.

20. In order to promote the participation of indigenous women in Peru, in October 2015, the working group on indigenous policies introduced a new component for the mainstreaming of a gender approach in its work.

Main challenges faced in implementing the recommendations of the Permanent Forum

21. Among the main challenges identified relating to the implementation of the recommendations of the Forum were the high number of annual recommendations, their lack of specific targets or concrete relevance, either to country contexts or more broadly, and the lack of knowledge about or dissemination of the recommendations after the session.[7]

22. In that regard, Denmark noted that, in order to ensure the implementation of the recommendations of the Permanent Forum, it was necessary to determine the status of implementation. It was also noted that such an exercise could provide an overview that could serve as the basis for analysis of the more complex recommendations and provide a point of departure for discussions on a future strategic focus.

23. Peru recognized that one of the main obstacles was the lack of official information on the socioeconomic situation of indigenous peoples. In 2017, Peru will carry out a census, including a question on self-identification for indigenous peoples, which will help to bring greater visibility to the actual situation of indigenous peoples. Another obstacle to the implementation of the Forum's recommendations was the lack of awareness or interest on the part of many public institutions, as well as difficulties in gaining access to certain indigenous communities due to their being located in remote areas with difficult terrains.

[7] See the background analysis prepared for the development of a system-wide action plan on indigenous peoples, based on information provided by Member States and United Nations programmes, funds and agencies between 2011 and 2015. All are available from www.un.org/development/desa/indigenouspeoples/about-us/system-wide-action-plan.html.

24. El Salvador noted a lack of institutional capacity to work with indigenous peoples in order to guarantee the elaboration and execution of culturally appropriate policies and programs, the lack of knowledge and sensitivity on the part of State institutions with respect to indigenous rights, and the lack of recent, reliable, complete and disaggregated statistical data on social and economic indicators in relation to indigenous populations, indigenous children and women.

B. Main achievements in strengthening the rights of indigenous peoples

25. For Denmark, the establishment of a self-governance system in Greenland, pursuant to the Act on Greenland Self-Government of 2009, which replaced the Greenland Home Rule Act of 1978, and the transfer of additional authority and responsibility to Greenlandic authorities, constituted the main achievements. The act on self-government affirmed that the Greenlandic authorities exercised legislative and executive power in the areas over which they had assumed responsibility.

26. In El Salvador, the main achievement reported was the 2014 constitutional reform that specifically recognized indigenous peoples. Article 63 of the Constitution stated that El Salvador recognized indigenous peoples and would adopt policies in order to maintain and develop their ethnic and cultural identity, worldviews, values and spirituality. Other developments included the adoption of a law on culture and a law on crafts in 2016, as well as codes on indigenous rights in four municipalities with large indigenous populations, including Cuisnahuat, Izalco, Nahuizalco and Panchimalco).

27. In Honduras, article 346 of the Constitution referred to indigenous peoples' rights, stating that it was the duty of the State to adopt measures to protect the rights and interests of indigenous communities in the country, especially the lands and forests where they had settled. Other constitutional provisions, including articles 172 and 173, referred to the obligation of the State to foster the country's rich anthropological heritage, indigenous cultures and folklore. Other achievements highlighted included the establishment of the Directorate of Indigenous and Afro-Honduran Peoples in 2014, with the goal of improving the quality of life indigenous and Afro-Honduran peoples, and the adoption of a policy against racial discrimination (PCM-027-2016).

28. Peru reported that the adoption of Supreme Decree No. 003-2015-MC on the mainstreaming of an intercultural approach guaranteed the rights of culturally diverse groups, in particular indigenous peoples. The application of the policy was mandatory for all State agencies and institutions. The Ministry of Culture had developed an online platform to monitor cases of ethnic and racial discrimination as a way to report and follow up on such cases. In addition, a working group on indigenous peoples' policies, established in 2014 and composed of seven indigenous peoples' organizations and the Vice-Ministry of Interculturality, constituted the main platform for dialogue. The working group had been extended at the regional level to the Cusco, Loreto, Puno and Ucayali regions.

C. Progress in the implementation of the United Nations Declaration on the Rights of Indigenous Peoples

29. In Denmark, the rights of indigenous peoples remain high priorities in Danish foreign policy. At the multilateral level, Denmark participates in a number of United Nations forums where the rights of indigenous peoples' are discussed and works actively to ensure that references to the United Nations Declaration on the Rights of Indigenous Peoples are included in resolutions adopted by the Human Rights Council and the General Assembly. In addition, Denmark continues to provide financial support to a number of organizations and funds that promote the rights of indigenous peoples. Furthermore, Denmark, as a member of the European Union, is working actively to bring the cooperation policy of the European Union into line with the Declaration. In that regard, Denmark has provided a senior national adviser on indigenous issues to support the updating of the policy and guidelines of the European Union on indigenous peoples. Denmark also provides financial support to the Inuit Circumpolar Council of Greenland, which focuses on the rights of Inuit peoples.

30. In El Salvador, following the legal recognition of indigenous peoples as rights-bearers, a multisectoral platform composed of indigenous peoples' organizations and government representatives was established to prepare a national action plan on indigenous peoples. On 10 January 2017, the draft national action plan was presented by a representative of the Ministry of Foreign Affairs and the Resident Coordinator of the United Nations country team. Similarly, other multisectoral platforms had been established, such as an indigenous platform on the environment and a platform on agriculture and livestock. A specific unit on the rights of indigenous peoples had also been established within the national human rights institution.

31. To promote the United Nations Declaration on the Rights of Indigenous Peoples, the Government of Honduras had allocated the Directorate of Indigenous and Afro-Honduran Peoples a total budget of 858,506 United States dollars. The Directorate formulated, coordinated and implemented programmes and policies relating to indigenous peoples in the area of social and economic development. Honduras had drafted a number of legislative and public policy proposals to be submitted to the executive or the legislature for approval, including: (a) a public policy against racism and racial discrimination for the comprehensive development of indigenous and Afro-Honduran peoples, addressing social and political participation, intercultural education and health, land and natural resources and access to justice; (b) a draft special law on the rights of indigenous peoples and people of African descent, which includes provisions on the registration, expansion, upgrading and delimitation of indigenous lands, education, natural resources, cultural heritage, justice and a new institutional structure for indigenous affairs; and (c) a draft framework law, which was in the final stages of discussions among indigenous peoples, on engaging in consultations with indigenous and Afro-Honduran peoples and obtaining their free, prior and informed consent.

32. In Peru, the Vice-Ministry of Interculturality coordinated with other government institutions to promote and guarantee the rights of indigenous peoples in full conformity with the United Nations Declaration on the Rights of Indigenous

Peoples and the Indigenous and Tribal Peoples Convention, 1989 (No.169) of the International Labour Organization.

D. Implementation of the outcome document of the World Conference on Indigenous Peoples

33. The response from Denmark and Greenland noted that they had focused on the participation of indigenous peoples at the United Nations in all matters and meetings relevant to them. They had also been very active in the reforming of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples, approved at the thirty-third session of the Human Rights Council, in 2016.

34. In 2015, the Government of El Salvador, along with the National Indigenous Coordinating Council, and with the support of the United Nations country team, the secretariat of the Permanent Forum on Indigenous Issues and the Division for Social Policy and Development of the Department of Economic and Social Affairs initiated a series of workshops to prepare a national action plan on indigenous peoples. The plan identifies priorities for indigenous peoples on issues relating to economic and social development, cultural identity, land and territories and 2030 Agenda for Sustainable Development. A draft of the plan was launched on 10 January 2017.

E. Indicators of progress and data collection

35. Denmark and Greenland reported that no national indicators had been developed to monitor progress made relating to indigenous peoples' issues. In Greenland, disaggregated data on indigenous peoples was not collected. In Denmark, Statistics Denmark was responsible for the national census and data collection. The Government of Greenland had corresponding responsibility in Greenland.

36. In El Salvador, the entity responsible for national statistics and data collection was the General Directorate on Statistics and Census. According to a 2007 population and housing census, the indigenous population of El Salvador was estimated to be 0.2 per cent of the national population, equivalent to 13,310 people. In that regard, the Government pointed out that those figures had been called into question by indigenous peoples themselves who believed that the indigenous population of the country was higher. They brought a case before the Supreme Court of Justice of El Salvador and the Committee on the Elimination of Racial Discrimination. A new census would be conducted in the future.

37. In Honduras, disaggregated data on indigenous peoples was not available. The National Institute for Statistics was the entity responsible for the national census and data collection. According to the 2013 census, 717,618 people identified themselves as being indigenous or Afro-Honduran in origin.

38. Peru noted that the Vice-Ministry of Interculturality had been working on a series of national indicators. It was also working on specific questions for the national household survey, the demographic and family health survey and the 2017 population and housing census. Both surveys included questions on self-identification and indigenous languages. For the 2017 census a question on self-

identification would be included for the first time in accordance to Law No. 27778 of 2002. The National Institute for Statistics and Information was responsible for the national census and data collection. The official database on indigenous peoples was maintained by the Vice-Ministry.

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Compilation of information received from indigenous peoples' organizations

Note by the Secretariat

Summary

The present note provides a compilation of the responses received from indigenous peoples' organizations to a questionnaire on action taken or planned in relation to the recommendations of the United Nations Permanent Forum on Indigenous Issues, as well as to implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the 2030 Agenda for Sustainable Development. The questionnaire and the complete responses are available on the website of the Permanent Forum (www.un.org/development/desa/indigenouspeoples).

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I. Introduction

1. The present note is based on the information received from indigenous peoples' organizations on the implementation of the recommendations of the United Nations Permanent Forum on Indigenous Issues.[1] The Permanent Forum welcomes the participation of indigenous peoples in its sessions and acknowledges and thanks the organizations that have provided reports. It urges indigenous peoples' organizations to continue to provide information on their activities.

2. Indigenous peoples were invited to provide information on the work of their organizations and on their objectives and goals regarding implementation of the recommendations of the Permanent Forum, the United Nations Declaration on the Rights of Indigenous Peoples, the World Conference on Indigenous Peoples and the 2030 Agenda for Sustainable Development.

II. Responses from indigenous peoples' organizations

A. Recommendations of the Permanent Forum

3. The Office of Hawaiian Affairs, based in Honolulu, Hawaii, the United States of America, a semi-autonomous agency of the State of Hawaii, has indicated that, according to its *Native Hawaiian Data Book*, the total population of native Hawaiians is 527,077. The Office states that the work of the Permanent Forum has supported indigenous peoples. A clear example is provided in the recommendation of the Forum on the situation of indigenous peoples in Mauna Kea, a sacred mountain for native Hawaiians that is targeted for the placement of an international observatory featuring a 30-metre telescope. Such an activity inhibits and is contrary to the rights articulated in articles 11 and 12 of the United Nations Declaration. The Forum recommended that the free, prior and informed consent of native Hawaiians be recognized (see E/2016/43-E/C.19/2016/11, paragraph 31).

4. The Asia Indigenous Peoples Pact, based in Chiang Mai, Thailand, is a regional organization founded in 1988 by indigenous peoples' movements. The Pact is committed to promoting and defending indigenous peoples' rights and assisting them in claiming legal recognition of their identities and collective rights under the Declaration and other international instruments. It comprises 47 member organizations[2] and serves as a forum for sharing aspirations, ideas and experiences. With regard to the empowerment of indigenous women, it engages in empowerment and capacity-building from the grass-roots to the international levels and supports indigenous women's networks and organizations. The Pact has also adopted a gender policy to guide its work on the inclusion of indigenous women's rights and

[1] Questionnaire prepared by the secretariat of the Permanent Forum on Indigenous Issues and sent to more than 300 indigenous peoples' organizations and networks, based on previous participation in Forum sessions. Fifteen responses were received from organizations in Australia, Bolivia (Plurinational State of), Burundi, Guatemala, Kenya, Mexico, New Caledonia, South Africa, Thailand and the United States of America.

[2] The membership comprises organizations from 14 countries in Asia with 14 national formations, 15 subnational formations and 18 local formations. Of that number, 6 are indigenous women's organizations and 4 are indigenous youth organizations.

issues in the work of its member organizations, including effective participation at all levels. In 2016, it implemented a project on indigenous women's water governance and management, undertaking research, analysis and capacity-building in Cambodia, Myanmar and Viet Nam. With regard to indigenous youth, the Pact runs a regional capacity-building programme for youth that implements programmes and projects to facilitate the transfer of traditional knowledge to indigenous youth and enhance their leadership and other capacities.

5. The Aboriginal Rights Coalition is an aboriginal community organization that works locally, nationally and internationally to promote the rights of the Aboriginal and Islander peoples of Australia. The Coalition was established in response to the Northern Territory Emergency Response of the federal Government in 2007. According to data from the Australian Bureau of Statistics, there is an estimated resident Aboriginal and Torres Strait Islander population of 669,900 persons, representing 3 per cent of the total Australian population. The Coalition indicates that there is no legislation in place to protect and implement the right to free, prior and informed consent. With respect to the issue of indigenous women, the Coalition reports on its advocacy efforts to request the Permanent Forum to prepare a study on violence against indigenous women and girls. The organization also made a submission to the International Criminal Court, in 2014, on indigenous women and gender-based violence in conflict situations. In addition, the Coalition has consulted with indigenous youth regarding suicide and other concerns of the lesbian, gay, bisexual and transgender community.

6. American Indian Services, based in the urban area of Detroit, Michigan, the United States, supports native peoples through a variety of services, such as psychotherapy, youth programmes and a food programme. It also advocates at the local, national and international levels for the rights of indigenous peoples. With regard to indigenous youth, the organization has produced the film *Indian School: A Survivor's Story*, which explores the issue of intergenerational trauma and its impact on indigenous communities. The film has been used as an advocacy tool to provide Native American children and youth with healing approaches based on restorative justice.

7. Based in the city of El Alto, adjacent to La Paz, the Plurinational State of Bolivia, the association Qhana Pukara Kurmi deals with issues related to juridical systems, land rights, conflict resolution and climate change. According to the Economic Commission for Latin America and the Caribbean, 62 per cent of Bolivians identify as indigenous.[3] The largest indigenous groups are Quechua (30 per cent) and Aymara (25 per cent). The association states that, even though the Plurinational State of Bolivia has adopted the Declaration as national law,[4] there is still a lack of information and of awareness about the rights of indigenous peoples on the part of both by indigenous peoples and government agencies.

8. The Union des peuples autochtones pour le réveil au développement is an indigenous peoples' organization in Burundi whose aim is to promote the rights of the Batwa peoples in socioeconomic development, public services, health, education

[3] Rodrigo Valenzuela Fernández, "Inequidad, ciudadanía y pueblos indígenas en Bolivia" in *Políticas Sociales* (Economic Commission for Latin America and the Caribbean, Santiago 2004).

[4] Law No. 3760 of 7 November 2007, as amended by Law No. 3897 of 26 June 2008.

and capacity-building. The Union reports that the work of the Permanent Forum has helped it in its advocacy efforts, vis-à-vis the Government of Burundi, to integrate the Batwa into decision-making bodies. These include, among others, the Truth and Reconciliation Commission, the National Committee of the Burundian Women's National Forum, and the National Committee on Lands and Other Property. This is in addition to six indigenous parliamentarians: three senators and three members of the National Assembly. The Union reports that its strategic plan for 2016-2020 focuses on promoting the participation of indigenous women in decision-making processes in Burundi. Regarding youth, it has carried out training activities on the rights of indigenous peoples.

9. Three organizations from New Caledonia[5] have submitted responses to the questionnaire: the Sénat coutumier, established by the 1998 Nouméa Accord, composed of 16 senators appointed by the eight traditional councils (conseils coutumiers); the Federation of Non-governmental Organizations of Kanaky; and the customary popular congress (Congrès populaire coutumier), which focuses on the identification of ancestral lands. As of 2017, their responses highlight, regarding follow-up to the recommendations of the Forum, the integration of indigenous languages into the educational curriculum; the use of aerial photos to identify clan lands and sacred sites to resolve land conflicts; and the role of the traditional institutional structures, for example, grand chiefs, within their territories. Concerns have been raised regarding the 2018 referendum on self-determination and the fact that there may be discrepancies in the registration of Kanaks in the electoral register. With reference to the situation of indigenous women, reference is made to the important role of women in their clans, families and tribes, and events and activities undertaken including those that address violence against indigenous women and involve exchange visits with other countries in the Pacific. Activities have also been undertaken to address the issues of suicide and delinquency among indigenous children and youth.

10. The national observatory of indigenous peoples in Guatemala, a programme of the National Network of Mayan Youth Organizations, has been providing support to indigenous peoples through capacity-building programmes in project formulation and implementation, good governance, transparency and accountability, and the use of traditional indigenous justice as parallel and "plural" legal systems. In addition, the national observatory has been organizing public conferences on the rights of indigenous peoples.

11. The Indian Law Resource Center is a non-profit law and advocacy organization that provides legal assistance to tribes and indigenous communities throughout the Americas in environmental protection, land recovery, cultural preservation and human rights protection. In 2016, the Center's Safe Women, Strong Nations project focused on implementation of the Declaration and the 2014 outcome document of the World Conference on Indigenous Peoples by participating in the sixtieth session of the Commission on the Status of Women, the fifteenth session of the Permanent Forum and the thirty-second and thirty-third sessions of the Human

[5] New Caledonia was on the United Nations list of Non-Self-Governing Territories from 1946 to 1947, following the transmission by France of information under Chapter XI of the Charter of the United Nations, and since 1986, when the General Assembly determined that New Caledonia still constituted a Non-Self-Governing Territory. See General Assembly resolutions 41/41 A and 66 (I).

Rights Council. With regard to the Commission on the Status of Women, the Center partnered with native women's organizations from Canada and the United States, including Alaska, to coordinate a parallel event on the theme "Together we are stronger: indigenous women's movements to end violence against American Indian, Alaska Native and Aboriginal Women", intended to recognize, strengthen and honour the growing global movement to end the human rights crisis of violence against indigenous women and girls. At the Human Rights Council, the Center, with the support of seven indigenous nations and organizations, submitted several written statements and introduced several oral statements addressing the Council's two panels on violence against indigenous women; advocated in relation to the annual resolution on accelerating efforts to end violence against women and girls, including indigenous women and girls, in June, and the annual resolution on the rights of indigenous peoples, in September; and called for the Council to establish an implementing and monitoring body for the Declaration in order to effectively eliminate all forms of violence and discrimination against indigenous women and children around the world, including American Indian and Alaska Native women.

12. Khoe-San Indigenous Women in Action is an organization based in Cape Town, South Africa, that supports Khoisan indigenous women and their families in different ways. The organization counsels and supports Khoisan women and their families in conflict, conducts women's traditional ceremonies acknowledging women and their role in their communities and supports a women's farming community in the Napier area that runs a cooperative with self-sustainable methods.

13. Elleyada is a non-profit ethnocultural organization in the Republic of Sakha (Yakutia), the Russian Federation. Its main goal is the restoration, preservation and promotion of the traditional culture of the indigenous peoples of Yakutia at the regional, national and international levels. The organization teaches indigenous youth about traditional beliefs and customs and holds meetings, ceremonies and traditional sporting events.

14. The Tomwo Integrated Pastoralist Development Initiatives is a human rights and advocacy organization operating in West Pokot County, Kenya. It has advocated on constitutional reforms, natural resources projects and pastoralist rights and has carried out training and capacity-building projects, including those that involve health and culture.

15. The National Indian Youth Council is an organization based in Albuquerque, New Mexico, the United States. Its mission is to improve the economic, educational and social welfare of American Indians in the United States. The Council is a member of the New Mexico Coalition to Stop Violence Against Native Women. The coalition, one of 18 tribal coalitions in the country, provides support to indigenous advocates working to address domestic violence, sexual assault, dating violence, stalking and sex trafficking in the tribal communities of New Mexico. In July 2016, the Council hosted a youth conference, entitled "Building leaders to empower and inspire", that focused on homelessness, suicide prevention, sexuality, balancing life demands/stress, financial literacy, cultural and language preservation, civic engagement/voting, job readiness and education and more.

B. World Conference on Indigenous Peoples

16. In its report, the Office of Hawaiian Affairs describes its involvement in legislative, policy and/or administrative measures taken by the Government of the United States to implement the principles and aspirations of the Declaration. In 2010, it urged the Government to support the Declaration. In this regard, the Office provided constructive suggestions for a legislative bill that was signed into law as Act 195.[6] The Act explicitly recognizes article 3 of the Declaration and the Native Hawaiian peoples as indigenous people of Hawaii. In October 2016, the United States Department of the Interior published its final rule that provides procedures for re-establishing a government-to-government relationship between the United States and the Native Hawaiian community.

17. The Asia Indigenous Peoples Pact mentions that one of its member organizations, Zo Indigenous Forum, in India, has been involved with the Mizoram Legislative Assembly resolution that supports the Declaration.[7] The resolution passed on 8 October 2016.

18. The Pact also points out that it is working very closely with the International Labour Organization on a collaborative initiative, the Indigenous Navigator,[8] which provides a framework and a set of tools for indigenous peoples to systematically monitor the level of recognition and implementation of their rights. The Indigenous Navigator monitors (a) the implementation of the Declaration; (b) the outcome document of the World Conference on Indigenous Peoples; and (c) essential aspects of the Sustainable Development Goals. The Pact has integrated the Indigenous Navigator at the regional level in Asia in its programmes and projects to collect data through its members and partner organizations at the community and national levels. However, there has not been any engagement with national statistical offices.

19. The Union des peuples autochtones pour le réveil au développement reports that the Government of Burundi has recognized six organizations that work to improve the situation of the Batwa. The Union has created a centre for Batwa students in Bujumbura, where many young people from throughout the country exchange views on safeguarding their culture. When they return to their families, they make their parents aware of the importance of safeguarding their traditional knowledge.

20. In New Caledonia, the Sénat coutumier reports that a Kanak people's charter on the system of values and fundamental principles of indigenous customs was submitted to and approved by 360 chieftains and districts, with 90 per cent of chiefs voting to adopt it. The charter was then proclaimed and published in the *Official Journal* of New Caledonia in 2014. In 2016, the chieftaincies and the customary authorities, through the Sénat coutumier, called for the establishment of a Marshall Plan of Kanak identity to rectify the negative effects of globalization during the past 15 years, in particular the construction by multinational corporations of two new inland nickel plants and an offshore facility. The Fédération des organisations non gouvernementales en Kanaky reports that it has advocated before the Government of

[6] Act of 6 July 2011, No. 195, 2011 Sessions Laws of Hawaii, Law 646.

[7] Press release from Zo Indigenous Forum, available from http://zoindigenous.blogspot.com/2016.

[8] See www.indigenousnavigator.org.

France and the Congress of New Caledonia for a reduction in the pollution emitted by the nickel facilities.

21. The Indian Law Resource Center reports that, following the announcement, on 16 December 2010, by the President of the United States of America, Barack Obama, of the support of the United States for the Declaration, tribes and individuals have, among other means, used the Declaration to negotiate a cultural easement, protect sacred places and remains, combat violence against Native American and Alaska Native women, and educate and lobby Congress, and as a human rights standard by which tribal nations are holding themselves accountable. A number of federal agencies and departments have included the Declaration in their policies relating to tribal governments and indigenous peoples. In 2013, the Advisory Council on Historic Preservation became the first federal agency to issue a plan to support the Declaration. Other federal agencies have been determining how to better incorporate the standards of the Declaration into their work. The Attorney General's "Guidelines stating principles for working with federally recognized tribes", issued by the Department of Justice in 2014, include a commitment to promoting and pursuing the objectives of the Declaration. In the Environmental Protection Agency's "Policy on environmental justice for working with federally recognized tribes and indigenous peoples", the Agency recognizes the importance of the Declaration and the principles that are consistent with the mission and authorities of the Agency. In 2016, the federal Fish and Wildlife Service released its updated Native American policy, which provides a framework for government-to-government relationships, "adopted in the spirit of the United Nations Declaration on the Rights of Indigenous Peoples".

22. Khoe-San Indigenous Women in Action considers that the Government of South Africa has promoted and protected the Khoisan rights to their traditional knowledge associated with particular indigenous biological resources. The organization reports that the Government of South Africa has started a land reform process that includes the Khoisan and that it is engaging the Khoisan more than it previously had. However, legislation formally recognizing the Khoisan and their institutions as a cultural community has still not been enacted, which is a key remaining obstacle.

23. Elleyada reports that although the Russian Federation did not vote in favour of the Declaration, in the Republic of Sakha (Yakutia), several laws have been adopted in order to protect the rights of indigenous peoples, including those on the legal status of indigenous peoples, ancestral lands and traditional economic activities, nomadic tribal communities and reindeer herding.

C. 2030 Agenda for Sustainable Development

24. The Asia Indigenous Peoples Pact is engaged with the efforts of civil society to monitor the implementation of the 2030 Agenda. The Pact highlights that Goal 2 of the Agenda (zero hunger) is its priority, considering that land rights intersect with the right to food and to livelihood. The Pact has also been engaged in advocating for the rights of indigenous peoples in the implementation of the overall 2030 Agenda at the regional and international levels, including their participation through the

indigenous peoples' major group.[9] Another example of the work of the Pact on the implementation of Goal 2 is the publication of *Indigenous Peoples' Initiatives for Land Rights Recognition in Asia*,[10] which provides a range of initiatives and strategies undertaken by indigenous peoples in Asia in asserting their land rights.

25. The Office of Hawaiian Affairs indicates that Goal 6 (clean water and sanitation), Goal 14 (life below water) and Goal 15 (life on land) are important priorities for implementation at the community and regional levels. In this regard, the Compliance Enforcement Program of the Office provides legal and policy compliance review, assessment and corrective action services to take proactive steps when organizations interpret or implement laws in ways that may be detrimental to their community or not in its best interest. The organization also notes that it prepares reports and conducts surveys to help guide strategic direction and policy decisions focused on indigenous Hawaiians.

26. In Guatemala, the National Indigenous Observatory has been working with the United Nations Volunteers programme and the National Network of Mayan Youth Organizations to identify priorities for indigenous peoples in the 2030 Agenda for Sustainable Development. Through this process, the groups have identified as priorities Goal 1 (no poverty), Goal 4 (quality education), Goal 5 (gender equality) and Goal 10 (reduced inequalities). Their work promoting utz k'aslemal-buen vivir (living well) also contributes to Goal 12 (Responsible consumption and production), Goal 13 (climate action), Goal 15 and Goal 16 (peace, justice and strong institutions).

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[9] Indigenous peoples' major group, "Position paper on proposed SDG indicators", available from www.iwgia.org/publications.

[10] Available from http://aippnet.org.

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Follow-up to the recommendations of the Permanent Forum

Compilation of information received from agencies, funds and programmes of the United Nations system and other intergovernmental bodies on progress in the implementation of the recommendations of the Permanent Forum

Note by the Secretariat

Summary

The present report provides a brief compilation of the information received from the United Nations system and other intergovernmental bodies in response to a questionnaire on actions taken to implement the recommendations of the Permanent Forum on Indigenous Issues. The complete responses are available from the following website: https://www.un.org/indigenous.

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I. Introduction

1. The members of the United Nations Permanent Forum on Indigenous Issues have often stated that the implementation of the recommendations of the Forum must make a difference in the daily lives of indigenous peoples. A crucial tool in assessing the degree to which the recommendations have been implemented is through the reports submitted to the Permanent Forum by entities of the United Nations system and other intergovernmental bodies. The Forum acknowledges and thanks those entities that have provided reports, and urges them to continue providing information on their activities and on the follow-up to the recommendations of the Forum.

2. The questionnaire was sent to some 45 entities of the United Nations system and other intergovernmental bodies. As at 15 January, responses had been received from the secretariat of the Convention on Biological Diversity, the Department of Public Information of the Secretariat, the Economic Commission for Latin America and the Caribbean (ECLAC), the International Fund for Agricultural Development (IFAD), the International Labour Organization (ILO), the Office on Genocide Prevention and the Responsibility to Protect, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the secretariat of the United Nations Framework Convention on Climate Change, the United Nations Global Compact, the World Bank Group and the secretariat of the World Intellectual Property Organization (WIPO).[1] The complete responses are available from the website: www.un.org/indigenous.

II. Responses received from United Nations entities and other intergovernmental bodies

A. Information on measures taken or planned to implement the recommendations of the Permanent Forum on Indigenous Issues

International Labour Office

3. The Permanent Forum did not make recommendations that were specifically addressed to the International Labour Office in its report on the fifteenth session. ILO continues to follow up on recommendations from previous sessions. For example, in 2011, the Permanent Forum recommended that ILO, OHCHR and the secretariat of the Permanent Forum continue to work on a common framework for monitoring the situation and well-being of indigenous peoples and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. As a follow-up, ILO was a partner in the development of the Indigenous Navigator framework, along with the Asia Indigenous Peoples Pact, the Forest

[1] Some of the agencies, funds and programmes reported that the Permanent Forum did not make recommendations that were specifically addressed to them, and thus provided limited or no information on follow-up to the recommendations of the Forum in their reports.

Peoples Programme, the International Work Group for Indigenous Affairs and Tebtebba, with the support of the European Union. After a pilot phase of the initiative from 2014 to 2016, the Global Indigenous Navigator initiative will be launched in 2017.

Secretariat of the Convention on Biological Diversity

4. The Permanent Forum did not make any recommendations that were specific to the Convention on Biological Diversity in its report on the fifteenth session. In order to follow up on recommendations from earlier sessions of the Forum, the Working Group on Article 8 (j) has made the following recommendations for consideration by the governing body at the thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, which met from 4 to 17 December 2016, in Cancun, Mexico. After consideration by the Conference of the Parties, these recommendations will be considered by the governing bodies of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (Biosafety Protocol).

5. At its tenth session, the Permanent Forum called upon the parties to the Convention on Biological Diversity and in particular the Nagoya Protocol, to adopt the terminology "indigenous peoples and local communities" (see E/2011/43-E/C.19/2011/14, para. 26). The use of the terminology "indigenous peoples and local communities" was already addressed in the context of the Convention in decision XII/12 F, adopted at the twelfth meeting of the Conference of the Parties in 2014 (see UNEP/CBD/COP/12/29, sect. I).

6. Given that each treaty is distinct and the parties to each have their own decision-making powers, the decision cited above does not apply to the Nagoya Protocol, so for the terminology "indigenous peoples and local communities" to be used in the context of the Nagoya Protocol, the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol must adopt its own decision in this respect.

7. Accordingly, the draft decision for adoption by the Conference of the Parties contained in recommendation 9/4 of the Working Group on Article 8 (j) provides for the Conference of the Parties to invite the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol to consider taking a decision to apply, mutatis mutandis, decision XII/12 F of the Conference of the Parties. This recommendation was addressed by the Conference of the Parties at its thirteenth session. The Conference of the Parties invited the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol to consider taking a decision to apply, mutatis mutandis, decision XII/12 F of the Conference of the Parties to the Convention on Biological Diversity on the use of the terminology "indigenous peoples and local communities" (see decision 2/7).[2]

8. Similarly, the Conference of the Parties serving as the meeting of the Parties to the Biosafety Protocol needed to take a decision in order for the terminology "indigenous peoples and local communities" to be used in the context of the

[2] Available from www.cbd.int/conferences/2016.

Biosafety Protocol. The Subsidiary Body on Implementation, which met in Montreal, Canada, from 2 to 6 May 2016, recommended a draft decision to this effect for consideration by the Conference of the Parties serving as the meeting of the Parties to the Biosafety Protocol, at their eighth meeting, held in Cancun, from 4 to 17 December 2016. At the meeting, the Conference of the Parties serving as the meeting of the Parties decided to apply, mutatis mutandis, decision XII/12 F of the Conference of the Parties to the Convention on Biological Diversity on the use of the terminology "indigenous peoples and local communities" (see decision VIII/19).[2]

United Nations Educational, Scientific and Cultural Organization

9. In response to the recommendation contained in paragraph 12 of the report of the Permanent Forum on its fifteenth session (E/2016/43-E/C.19/2016/11), UNESCO is in the process of developing the World Atlas of Languages that will provide reliable and accurate information on language vitality and diversity as well as future opportunities for cooperation, content sharing and the development of new initiatives to all interested partners and communities. This global initiative also aims at developing innovative and scalable information and communications technology-supported models of expanding access to multilingual information and knowledge and improving the quality of learning languages around the world through the establishment of a global online platform entitled "World Atlas of Languages". Furthermore, the joint partnerships aim at stimulating collaboration among different users, including indigenous communities, through a well-designed international awareness-raising campaign, including special events, publications and other initiatives, as well as the establishment of an international network among organizations of higher education; and the development and sharing of the resources of language users and learners.

10. UNESCO has launched a research project to prepare an analytical report on the implementation of the Recommendation concerning the Promotion and Use of Multilingualism and Access to Cyberspace, adopted by the General Conference in 2003. The analytical report will draw extensively on reports provided by Member States to UNESCO on the measures taken to implement the Recommendation, a review of three consolidated reports prepared by UNESCO and an extensive review of the existing literature on global trends and challenges. The report is expected to provide concrete recommendations for future action in the subject area.

11. UNESCO is giving due consideration to General Assembly resolution 71/178 on the rights of indigenous peoples, in which the Assembly proclaimed 2019 as the International Year of Indigenous Languages, and invited UNESCO to serve as the lead agency for the Year, in collaboration with other relevant agencies, within existing resources.

12. At its fifteenth session, the Permanent Forum made a recommendation on the relationship between indigenous peoples and the Pacific Ocean and the dire effects of climate change (ibid., para. 14). In response, UNESCO is currently supporting the transmission of indigenous peoples' knowledge about the ocean through its work with traditional Pacific voyagers, canoe-builders and wayfinders. This work is being carried out through the Convention for the Safeguarding of the Intangible Cultural Heritage, 2003, the Local and Indigenous Knowledge Systems programme and the

Convention concerning the Protection of the World Cultural and Natural Heritage, 1972. In September 2016, UNESCO supported an indigenous professor from the University of Papua New Guinea to deliver a keynote address on climate change, atmosphere and deep seabed mining at the Pacific Islands Universities Research Network conference.

13. The Permanent Forum also recommended that UNESCO host a joint seminar on exploring the development of a new international mechanism on the repatriation of ceremonial objects and human remains (ibid., para. 47). As a follow-up to the meeting of the Ad Hoc Working Group on International Repatriation, held in May 2016, an indigenous representative was invited to the fourth session of the Subsidiary Committee of the Meeting of States Parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, held at UNESCO Headquarters from 26 to 28 September 2016. The indigenous representative reiterated that the cultural property of indigenous peoples represents an expression of self-determination and the preservation of their heritage is a holistic and intergenerational concept. She also proposed a new mechanism or process for international reparation that includes offering indigenous peoples direct access to information about various items held in each country.

14. UNESCO will continue to provide information, advice, and guidance to the Ad Hoc Working Group on International Repatriation. It will follow up together with the International Indian Treaty Council and the International Institute for the Unification of Private Law on the requested expert group meeting in coordination with the Expert Mechanism on the Rights of Indigenous Peoples, and the proposed database for cultural objects and human remains.

World Intellectual Property Organization

15. In its report on the fifteenth session, the Permanent Forum did not make recommendations that were specifically addressed to WIPO. However, in paragraph 72 of the report (E/2016/43-E/C.19/2016/11), the Permanent Forum recommended that the Inter-Agency Support Group on Indigenous Peoples' Issues demonstrate a strong commitment from its members to cooperate with the Permanent Forum, and allocate resources to implement the system-wide action plan on indigenous peoples and ensure active collaboration and partnership with indigenous peoples at the national, regional and global levels.

16. The WIPO secretariat remains in regular contact with both the Permanent Forum and its secretariat, including in terms of cooperating on specific initiatives. Members of the Permanent Forum have been invited as panellists or as participants to seminars and workshops organized by WIPO in the past. The Permanent Forum is an observer to the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and is specially and systematically invited to attend the sessions of the Intergovernmental Committee.

United Nations Global Compact

17. The United Nations Global Compact reported that it had released guidance for business to encourage the full and effective participation of indigenous peoples in decisions that affect them, as affirmed in the United Nations Declaration on the

Rights of Indigenous Peoples. In addition, the Global Compact encourages business to support indigenous peoples' rights, and has featured case studies on its website of companies supporting indigenous rights. Microsoft's work to preserve and revitalize the Cherokee language is an example (see www.unglobalcompact.org/take-action/action/case-example/106).

United Nations Development Programme

18. Through the application of the approach of the United Nations Development Group for effective and coherent support for the implementation of the 2030 Agenda for Sustainable Development, under the acronym MAPS (mainstreaming, acceleration and policy support), UNDP consistently attempts to apply a human rights-based approach, including as it relates to data and participation. UNDP has supported a number of MAPS-related missions that encourage UNDP programming support for the Sustainable Development Goals to uphold the principle to "leave no one behind" and ensure the inclusion of groups, including indigenous peoples. The draft United Nations Development Assistance Framework guidance to support the implementation of the 2030 Agenda specifically makes reference to indigenous peoples in the principles for integrated programming on "leaving no one behind" as well as "human rights, gender equality and women's empowerment". The draft United Nations Development Group guidelines for country reporting on the Sustainable Development Goals also specifically address issues affecting indigenous peoples, including on data and participation/engagement. In addition, the UNDP social protection primer also refers to ensuring social protection for indigenous peoples as part of "leaving no one behind".

19. UNDP, in all its rule-of-law, justice, security and human rights programmes in settings of conflict, addresses the prevention of and response to sexual and gender-based violence. In 2016, Guatemala achieved a historic milestone — for the country and the world — against impunity for sexual and gender-based violence as a weapon of war against indigenous Maya Q'eqchi women.

20. Since 2010, the UNDP Programme to Accompany Transitional Justice has been supporting the realization of victims' rights to truth, justice and reparations, as well as promoting measures to prevent a repetition of human rights violations in the future. The programme has included strengthening the investigative and legal capacities of the Human Rights Division with the Public Prosecutor's Office, in order to prosecute cases of sexual violence against women during the conflict. As a result of this work, the General Instruction for the Investigation of Sexual Violence committed during Internal Armed Conflict was adopted by the Attorney General in 2012, and manuals were developed and training processes were carried out with prosecutors. In addition, UNDP has supported the work of civil society organizations, including human rights and feminist and indigenous organizations, which provide key legal and psychosocial counselling to victims in criminal proceedings. During the five years prior to the Sepur Zarco trial, UNDP supported the civil society organizations alliance, Breaking the Silence, to implement a holistic strategy that included: legal support to ensure the full participation of the Maya Q'eqchi women and utilize multidisciplinary evidence; psychosocial assistance to the women of Sepur Zarco before, during, and after the investigation; protection strategies to safeguard the women from potential backlash; and communication campaigns to raise public awareness about the case and the

importance of ending impunity for gender-based and sexual violence both past and present.

Economic Commission for Latin America and the Caribbean

21. The Commission continues its work on generating information and knowledge on the situation of indigenous peoples in Latin America and the Caribbean, as well as on strengthening national capacities for the production, use and analysis of this information. These efforts relate to the recommendation of the Permanent Forum contained in paragraph 28 of its report on the fifteenth session (E/2016/43-E/C.19/2016/11). They take place in the context of the Sustainable Development Goals, with its premise to "leave no one behind"; and the Montevideo Consensus on Population and Development, adopted by the Regional Conference on Population and Development in Latin America and the Caribbean, which constitutes the population and development agenda for the coming years in the region.

22. The Population Division of ECLAC (CELADE), in its capacity as the technical secretariat of the Regional Conference on Population and Development in Latin America and the Caribbean, supported the countries of the region in the elaboration of a proposal for indicators for the regional follow-up of the Montevideo Consensus and a proposal regarding the format of the national progress reports. The proposal on regional indicators contains a chapter on indigenous peoples, with indicators mainly on collective rights. Other chapters explicitly mention disaggregation for indigenous peoples. The proposal welcomes and reiterates Sustainable Development Goal 17.18 on data disaggregation, in particular with regard to indigenous peoples. During 2017, the technical notes (metadata) of the proposal on regional indicators will be elaborated and presented at the third meeting of the Regional Conference, to be held in El Salvador in November 2017.

UN-Women

23. The production of the UN-Women Strategy for Inclusion and Visibility of Indigenous Women crystalizes the commitment of UN-Women to indigenous women and serves as the organization's first official frame of reference for bringing its programming to scale in a coherent and consistent manner. The development of the Strategy is in fulfilment of the specific recommendation of the Permanent Forum at its thirteenth session, in which the Forum called upon UN-Women to finalize a road map with actions and outcomes for indigenous women and girls (see E/2014/43-E/C.19/2014/11, para. 35). This Strategy is also a commitment to the Secretary-General's system-wide action plan for ensuring a coherent approach to achieving the ends of the Declaration on the Rights of Indigenous Peoples, as it outlines the principles, priorities, programmatic areas of action and a four-part strategy for implementing the action plan. The programming of UN-Women will be guided by seven interrelated principles: gender equality and the empowerment of women; collective and individual rights; free, prior and informed consent; the application of an intercultural approach; non-discrimination; participation; and self-determination. It will use a four-part strategy consisting of: (a) increasing internal and external capacity; (b) strengthening accountability; (c) enhancing partnerships; and (d) mainstreaming indigenous women's issues into existing programmes and developing specific programmes for indigenous women.

24. The Strategy for Inclusion and Visibility of Indigenous Women, along with the ongoing work of UN-Women, also responds to other recommendations of the Permanent Forum. In the area of supporting and building the capacity of indigenous women in Africa, as recommended by the Forum at its twelfth session (see E/2013/43-E/C.19/2013/25, para. 36), the Strategy calls for partnering with indigenous women's organizations when developing programmes on a range of issues such as combating violence, economic empowerment and participation in decision-making at all levels. UN-Women Tanzania works to economically empower pastoralist Maasai women by increasing their incomes through a revolving livestock project and increasing women's access to markets and information about livestock products. The Strategy notes that particular attention is required for indigenous women with disabilities, as called for in a recommendation of the Permanent Forum at its eleventh session (see E/2012/43-E/C.19/2012/13, para. 22). Furthermore, at the meeting of UN-Women with members of the Indigenous Persons with Disabilities Global Network in May 2016, the participants explored ways of increasing the inclusion and participation of indigenous women with disabilities in the work of UN-Women and proposed a report on indigenous women with disabilities. In addition, at the ninth session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, held in June 2016, UN-Women co-organized a side event on the leadership role of women with disabilities to include the participation of indigenous women with disabilities.

25. The Commission on the Status of Women, responding to the recommendation of the Permanent Forum at its fourteenth session (see E/2015/43-E/C.19/2015/10, para. 43) identified the empowerment of indigenous women as the emerging issue/focus area for its sixty-first session, in 2017, on the occasion of the tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples.

26. In the area of reducing maternal mortality among indigenous women, as called for in a recommendation of the Permanent Forum at its fifteenth session (see E/2016/43-E/C.19/2016/11, para. 38), UN-Women Philippines supported national consultation on the "No home birthing policy", which prohibits traditional birth attendants who commonly assist indigenous mothers. This policy is viewed by indigenous communities to be a violation of their cultural rights, tantamount to the displacement and erosion of indigenous peoples' knowledge, practices, values and spirituality related to reproductive, maternal and child care.

Office of the High Commissioner for Human Rights

27. The United Nations Voluntary Fund for Indigenous Peoples marked its thirtieth anniversary in 2015. The Fund is administered by OHCHR, on behalf of the Secretary-General, and acts on the advice of a Board of Trustees comprising five members. A series of activities was held to celebrate the anniversary, including an exhibition during the thirtieth session of the Human Rights Council and the launch of a video on the Fund's contribution to strengthening the participation of indigenous peoples in United Nations processes.[1] In 2016, the Fund supported 94 indigenous representatives to attend a range of United Nations processes, including the fifteenth session of the Permanent Forum (25), the ninth session of the Expert

[1] Available from the website of the Fund, http://www.ohchr.org/EN/Issues/IPeoples/IPeoplesFund/Pages/IPeoplesFundIndex.aspx.

Mechanism on the Rights of Indigenous Peoples (20), the Expert Workshop on the review of the mandate of the Expert Mechanism (14), the consultations of the General Assembly on indigenous peoples' participation (19), and the Human Rights Council, the Working Group on the Universal Periodic Review and sessions of treaty bodies (16).

28. OHCHR regional and country offices implemented a number of initiatives to advance the participation of indigenous peoples in United Nations processes, in particular in relation to special procedures, the Permanent Forum and treaty bodies. The Regional Office for South America supported indigenous organizations and communities in Argentina, Brazil, Ecuador and Peru to engage with the United Nations human rights system. In Argentina, OHCHR organized a meeting between indigenous peoples from Salta and Formosa with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, during his official visit to the country in May 2016.

29. OHCHR carried out a number of activities in Guatemala with indigenous peoples and their representatives. From 11 to 15 April 2016, a pre-sessional meeting of the Permanent Forum was held in Guatemala. In the context of these consultation meetings, the Office in Guatemala supported the preparation of numerous meetings between experts of the Permanent Forum and some 1,000 indigenous representatives from all over the country. During the pre-sessional meeting, the Permanent Forum experts also held a series of meetings with representatives of the executive, the Congress, the judiciary, business enterprises and the international community, among others.

30. In Cambodia, in order to promote the right of indigenous peoples to participate in decisions affecting them, OHCHR supported the participation of indigenous representatives in the ongoing consultations on three law and policy documents related to intellectual property rights; a draft law on agricultural land; a draft environmental code; and draft guidelines on public participation in environmental impact assessments. The Office continued to work with the Ministry of Land Management, Urban Construction and Planning, the Ministry of Rural Development, local governments and civil society organizations to support the efforts of indigenous peoples to apply for collective land titles.

31. In the Plurinational State of Bolivia, the OHCHR Country Office provided technical assistance to the Government on the development of a national action plan on the rights of indigenous peoples. The process was led by the Ministry of Foreign Affairs and involved representatives of indigenous peoples and the Ministry of Development Planning, as well as other government officials. The Country Office encouraged the Government to develop the plan in consultation with indigenous peoples.

World Bank

32. The World Bank reported that it seeks to strengthen the policy and institutional frameworks affecting indigenous peoples; supporting indigenous peoples' priorities and views of self-development, through capacity development in line with cultural values and traditional knowledge; demonstrating the important role that indigenous peoples can play in the management of fragile ecosystems, biodiversity conservation and climate resilience; economic development; and disseminating

experience and lessons learned from indigenous development initiatives to national Governments and the international donor community.

33. During the fifteenth session of the Permanent Forum, the Indigenous Peoples' Advisory Function of the World Bank shared information on the work of the Climate Investment Funds, the Forest Carbon Partnership Facility, and the Dedicated Grant Mechanism for Indigenous Peoples and Local Communities in different regions and countries.

34. The World Bank informed that on 4 August 2016, the Board of Directors of the Bank approved the new Environmental and Social Framework, which includes a new updated standard on Indigenous Peoples (Environment and Social Standard 7) that has incorporated provisions requested by the Indigenous Peoples through a three-year global dialogue held between 2013 and 2015. The new Framework is likely to be in effect from January 2018, after an 18-month period of training and preparation.

International Fund for Agricultural Development

35. With reference to the recommendation addressed to IFAD by the Permanent Forum at its thirteenth session (see E/2014/43-E/C.19/2014/11, para. 36), to convene a platform of dialogue with the private sector, IFAD reported that in 2016 it had partnered with the Centre for Indigenous Peoples' Autonomy and Development to conduct a study on indigenous peoples' engagement with the private sector.

36. With regard to the recommendation contained in paragraph 15 of the report of the Permanent Forum at its fifteenth session (E/2016/43-E/C.19/2016/11), IFAD reported that in the past 10 years, it had gone a long way in its engagement with indigenous peoples, establishing institutional instruments and participatory processes to ensure indigenous peoples' full and effective participation at all levels of IFAD engagement, hence building true partnerships based on mutual trust, at the international, national and grass-roots levels. Regarding the IFAD Indigenous Peoples Assistance Facility, established in 2006, IFAD reported that indigenous peoples' representatives from projects funded by the Facility are engaged in the processes of the Indigenous Peoples' Forum at IFAD and participate in the regional consultations in preparation for the global meetings of the Indigenous Peoples' Forum. This was the case in the recent regional consultations held in El Salvador, Cambodia, the Congo and Fiji in November and December 2016. IFAD explained that its policies and procedures promote consultation and participation from indigenous peoples' representatives at all stages of the IFAD project cycle, including in the design of country strategic opportunities programmes and projects. It also highlighted that free, prior and informed consent is one of the nine principles of engagement of the IFAD policy on engagement with indigenous peoples and is a mandatory element of the IFAD Social, Environmental and Climate Assessment Procedures for interventions that might affect the land access and use rights of rural communities.

37. IFAD considers that among the country strategic opportunities programmes and projects approved by IFAD in 2015-2016 there are examples of good practices of direct participation of indigenous experts in the design teams. The inclusion of a specific strategy on indigenous peoples and the application of free, prior and informed consent is being mainstreamed in project design. Plans for implementing

free, prior and informed consent were annexed to the design documents of projects in Argentina, Brazil, Ecuador, El Salvador, Guatemala, Guyana, India, the Lao People's Democratic Republic, Myanmar, Paraguay and the Philippines.

38. With regard to the recommendation contained in paragraph 28 of the report of the Permanent Forum on its fifteenth session (ibid.), IFAD states that, in line with the approach of the 2030 Agenda to leave no one behind, the new IFAD strategic framework 2016-2025 reaffirms the commitment of IFAD to indigenous peoples' self-driven development. IFAD has been piloting the use of specific indicators for measuring the well-being of indigenous peoples in the implementation manuals of its supported projects and has improved the baseline questionnaires with questions addressing indigenous peoples' issues. During the regional workshops held in 2014 in preparation for the second global meeting of the Indigenous Peoples' Forum at IFAD, a list of specific indicators on the well-being of indigenous peoples was proposed in three areas: free, prior and informed consent; traditional knowledge; and land, territories and resources. These indicators, together with data disaggregation at the project level, have been considered by IFAD in reviewing its Results and Impact Management System. The Fund's revised core indicators now include data disaggregation by indigenous peoples and make reference to specific indicators for indigenous peoples. IFAD considers that, although progress was recorded in IFAD-supported projects, with some good examples in terms of the inclusion of outcomes and output indicators in the log frame disaggregated by ethnicity (e.g., in Argentina, India, the Lao People's Democratic Republic and Peru), by indigenous/non-indigenous and of specific indicators on the well-being of indigenous peoples (e.g., in Paraguay), the systematic adoption of data disaggregation and the inclusion of specific indicators is an area that needs further development, in close consultation with indigenous peoples.

39. Regarding the recommendation contained in paragraph 39 of the report of the Permanent Forum at its fifteenth session (E/2016/43-E/C.19/2016/11), IFAD explained that in 2017 the Indigenous Peoples' Forum at IFAD will discuss the economic empowerment of indigenous peoples, with a focus on women and youth. At the regional workshops held at the end of 2016 in preparation for the Indigenous Peoples' Forum, participants shared challenges and opportunities in terms of the economic empowerment of indigenous peoples, and lessons learned from IFAD-funded projects. Discussions highlighted that although indigenous women play a crucial role in small-scale businesses and in supporting the well-being of their families, the custodians of their properties are the male members of their families. Indigenous women also face discrimination, unequal access to education and training, the non-recognition of their traditional skills and the lack of access to credit and market facilities. Among the emerging recommendations to IFAD from the regional consultations are the following: in development projects focusing on production, promote the rights of indigenous women and youth to land, and their secure access to economic resources; facilitate policy dialogue and raise awareness at all levels on indigenous peoples' rights and issues of relevance to them; intensify the participation of indigenous youth and women in international dialogue spaces; replicate and scale up successful experiences; and start pilot projects to support youth and women business initiatives based on traditional knowledge. IFAD highlighted that the small projects financed through the Indigenous Peoples

Assistance Facility call for proposals in 2015 included gender mainstreaming and the empowerment of women, as a high priority.

Office on Genocide Prevention and the Responsibility to Protect

40. The Office on Genocide Prevention and the Responsibility to Protect explained that the mandate of the Special Advisers included strengthening the collective capacity to prevent genocide, war crimes, ethnic cleansing and crimes against humanity (atrocity crimes). This includes contributing to the system-wide United Nations prevention efforts, as well as strengthening the resilience of Member States and regional organizations against the risk of commission of these crimes and violations. To that end, the Office of the Special Advisers has developed a framework of analysis for atrocity crimes, which includes risk factors and related indicators. In its engagement with Member States and civil society, the Office also encourages the consideration of specific policy actions to address and mitigate those risks. Many of the recommendations of the Permanent Forum include elements linked thematically to them.

B. Enabling factors that facilitate the implementation of the recommendations of the Permanent Forum

41. Promoting indigenous peoples' rights and development, through the Decent Work Agenda and on the basis of the relevant ILO conventions and recommendations, notably the Indigenous and Tribal Peoples Convention, 1989 (No. 169), is an integral part of the mandate and work of ILO. In 2015, the Governing Body of the International Labour Office discussed and endorsed a new ILO strategy for action concerning indigenous and tribal peoples.[4] This institutional and programmatic context enables ILO to design and implement interventions in favour of indigenous and tribal peoples in an integrated manner, including action that follows up on the recommendations of the Permanent Forum.

42. The WIPO secretariat has implemented recommendations made by the Permanent Forum in the past, within the framework of its mandate, programme of activities and budget as approved by its Member States and relevant procedures. The WIPO secretariat noted that the preparation of the Permanent Forum's recommendations in consultation with the relevant agencies, in advance of their adoption by the Forum, would facilitate follow-up.

43. The Department of Public Information noted that having a dedicated focal point on indigenous issues in its Strategic Communications Division working closely with the secretariat of the Permanent Forum was an enabling factor that had facilitated the implementation of recommendations.

44. The mandate of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect is described in paragraph 40 above. Their efforts to strengthen the collective capacity of the United Nations and the Member States to prevent constitutes an enabling factor for the work of the Office of the Special Advisers in this area.

[4] Available from www.ilo.org/indigenous.

45. A number of enabling factors have facilitated the implementation of the Forum's recommendations by UN-Women. This includes: the comprehensive international legal and policy framework that articulates the collective and individual rights of indigenous women and girls;[5] the mandate of UN-Women and the six programmatic priorities of the UN-Women strategic plan 2014-2017, which serve as catalysts and building blocks for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples;[6] active engagement with the Open Working Group on Sustainable Development Goals and the provision of technical support and follow-up to the outcome of the World Conference on Indigenous Peoples that serve as entry points and opportunities to make positive change for indigenous women and girls; the commitment to coordination with other United Nations agencies, particularly as a member of the Inter-Agency Support Group on Indigenous Peoples' Issues; global tools developed by UN-Women as the global knowledge broker of gender issues (e.g., the global constitutional database); the existence of an extensive network of indigenous women's civil society groups; and the ability of accessing available funding from Member States to work on the promotion and inclusion of indigenous issues in its policy, programming and coordination work.

[5] Convention on the Elimination of All Forms of Discrimination against Women; United Nations Declaration on the Rights of Indigenous Peoples; ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169); the outcome of the World Conference on Indigenous Peoples of 2014; 2030 Agenda for Sustainable Development; and the global review of 20 years of implementation of the Beijing Declaration and Platform for Action.

[6] six programmatic priorities in the UN-Women strategic plan 2014-2017, second regular session 2013: participation in decision-making at all levels; economic empowerment; ending violence; peace and security and humanitarian action; governance and national planning; and the setting of global norms and policies and standards on gender equality and women's empowerment.

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Item 4 of the provisional agenda*
Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples

Compilation of information from national human rights institutions

Note by the Secretariat

Summary

The present report is a compilation of the responses received from national human rights institutions to a questionnaire prepared by the secretariat of the Permanent Forum on Indigenous Issues on actions taken or planned in relation to indigenous peoples in order to identify and share good practices. The questionnaire and the complete responses from the institutions will be made available on the website for the sixteenth session of the Permanent Forum (https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/sixteenth-session.html).

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I. Introduction

1. As part of its ongoing engagement with national human rights institutions, the Permanent Forum on Indigenous Peoples has requested, through a questionnaire, information on the work of national human rights institutions with indigenous peoples.[1] At its fifteenth session, the Permanent Forum acknowledged the contributions of national human rights institutions in the promotion and protection of human rights, including the rights of indigenous peoples, and welcomed their participation in future sessions of the Forum.[2]

2. The secretariat of the Permanent Forum received written responses to the questionnaire addressed to national human rights institutions on actions taken or planned in relation to indigenous peoples. Replies to the questionnaire were received from institutions in Argentina, Australia, Canada, Kenya, New Zealand, Nicaragua and the Philippines. Other institutions, advised that they would submit their responses at a later stage. All responses received will be available on the website of the sixteenth session of the Permanent Forum (https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/sixteenth-session.html).

3. The questionnaire contained questions on three main areas: the recommendations of the Permanent Forum on Indigenous Issues; the promotion and protection of indigenous peoples' rights; and the follow-up to the 2014 World Conference on Indigenous Peoples.

II. Responses of national human rights institutions

A. Recommendations of the Permanent Forum: indigenous peoples: conflict, peace and resolution

4. In line with the theme of the 2016 session of the Permanent Forum, "Indigenous peoples: conflict, peace and resolution",[3] national human rights institutions were asked to provide information on how they were working on issues related to conflict, peace and resolution for indigenous peoples.

5. At the request of six Mapuche communities in Argentina, the Federal Justice of the province of Chubut convened a dialogue to resolve a conflict related to the route of a tourist railway. The national Ombudsman (Defensor del Pueblo de la

[1] The questionnaire was sent to 75 national human rights institutions accredited by the International Coordinating Committee on National Human Rights Institutions: 23 in Asia and the Pacific; 27 in Africa; 19 in Latin America and the Caribbean; and 6 in Europe. Participating institutions were chosen on the basis of the following criteria: (a) previous participation in sessions of the Permanent Forum; (b) responses to the 2016 questionnaire; and (c) countries with indigenous peoples, including self-identified indigenous peoples. Responses were received from 7 national human rights institutions (Argentina, Australia, Canada, Kenya, New Zealand, Nicaragua and the Philippines). Other institutions reported that they would submit their responses at a later stage. More detailed information on national human rights institutions can be obtained from the website of the Global Alliance of National Human Rights Institutions (http://nhri.ohchr.org/EN/Pages/default.aspx).

[2] E/2016/43, para. 23.

[3] Ibid., paras. 49-64.

Nación), who participated in the dialogue as an observer guarantor of the process, focused on strengthening the peaceful mechanisms for conflict resolution and management that involve the participation of indigenous communities, highlighting the importance of prior consultation in those processes.

6. The Australian Human Rights Commission recognizes that significant unfinished business remains in terms of the national healing and reconciliation process regarding the treatment of indigenous peoples in Australia. All past and current Social Justice Commissioners have noted that the practice of dispossession and assimilation of Aboriginal and Torres Strait Islander peoples has created a number of ongoing problems. According to the report submitted by the Commission, there is an undeniable and urgent need to heal the damage caused to indigenous communities through the removal of indigenous children, the separation of families, family violence, incarceration, suicide and alcohol and drug abuse. Recent statistics in Australia show that Aboriginal and Torres Strait Islander women, in particular, experience domestic violence at 32 times the rate for non-indigenous women.

7. The Canadian Human Rights Commission has developed several tools and resources, including a "Toolkit for developing community-based dispute resolution processes in First Nations communities". The Commission provides training and policy support to indigenous communities and governmental authorities seeking to develop policies and procedures at the community level. The Commission's complaint mechanism has been used in attempts to resolve a variety of issues affecting or involving indigenous peoples. In January 2016, the Canadian Human Rights Tribunal issued a decision supporting the allegations of systemic discrimination against indigenous children in care. Several complaints citing discrimination have been filed with respect to the eligibility requirements for registration as a "Status Indian" pursuant to the Indian Act. The Commission has also successfully represented the public interest in other complaints involving indigenous communities. In one instance, the Tribunal upheld a complaint filed by an indigenous woman who was prevented from running for election to be the Chief of her First Nations government by a discriminatory election code that precluded her candidacy based on her family status.

8. The Kenya National Commission on Human Rights is planning to conduct alternative dispute resolution (mediation) between forest dwelling communities (the Ogiek of Chepkitale and Sengwer of the Mau Forest) who lay claim, as their ancestral lands and current homes, to some areas that have been recently designated as protected forest areas. Since 2014, Commission has held several consultative meetings with the National Land Commission, the Kenya Forest Service and respective county governments and indigenous community representatives in a bid to manage potential conflicts between the communities and the Forest Service. In addition, the National Commission is part of a legal team that is petitioning the judiciary to provide an interpretation of the rights of members of the Ogiek community who are being threatened with permanent eviction from their ancestral lands in the Chepkitale area of Mount Elgon in Bungoma county. The Ogiek community has faced repeated evictions, most recently during the rainy season in July 2016 when their homes and properties were burnt and destroyed. Many continue to live in the caves to which they escaped, although some have since moved back and started reconstructing their homes, albeit with the attendant

insecurity of facing eviction again. The National Commission also conducts investigations into alleged human rights violations committed against indigenous communities.

9. The national human rights institution of Nicaragua (Procuraduría para la Defensa de los Derechos Humanos) recognizes that peace and tranquillity for indigenous peoples and Afrodescendants is an indispensable element for the achievement of their development. In this regard, the national institution reported that the Government has promoted a series of strategic programmes and projects aimed at restoring human rights in order to achieve peace and development throughout the country. In particular, the development strategy for the Caribbean coast and Alto Wangki-Bocay region (2012-2016) has contributed to reinstitution of the rights of the inhabitants of the north Caribbean coast.

10. The Commission on Human Rights of the Philippines provides protection, promotion and policy services with due regard for the human rights of indigenous peoples. While the National Commission on Indigenous Peoples is the specific government office in the Philippines with the primary jurisdiction over the promotion and protection of indigenous peoples' rights, the Commission on Human Rights also receives a substantial number of requests for assistance. The latter Commission reported that the largest number of cases involving indigenous peoples were concentrated in Mindanao, particularly in Caraga, Davao and the Zamboanga Peninsula. In 2015, the Commission condemned the Armed Forces of the Philippines and the Communist Party's New People's Army, which, according to Commission's report, had perpetrated numerous crimes against Lumad communities in Mindanao, and urgently called for the cessation of such violations.

B. Recommendations of the Permanent Forum: indigenous human rights defenders

11. The 2017 session of the Permanent Forum will include a focus on indigenous human rights defenders. National human rights institutions were asked to provide information on their work related to indigenous human rights defenders.

12. The Australian Human Rights Commission reported that the Special Rapporteur on the situation of human rights defenders visited Australia in October 2016. In his end-of-mission statement, the Special Rapporteur highlighted several concerns about the situation of indigenous human rights defenders, notably that many of them were still experiencing severe disadvantages compared with non-indigenous defenders. In the view of the Special Rapporteur, they are marginalized and unsupported by State and territory governments, a situation compounded by the tendency of the central Government to use the federal system as a limitation on its ability to exercise responsibility for providing support to indigenous rights defenders. The Special Rapporteur is expected to report to the Human Rights Council on his country visit to Australia in 2017, and the Special Rapporteur on the Rights of Indigenous Peoples is expected to visit Australia in 2017.

13. The Canadian Human Rights Commission supports the work of human rights defenders by recognizing and promoting their work in public statements and

speeches, as well as through the granting of awards, and by providing a complaint mechanism that includes protections against retaliation for filing a discrimination complaint. Through the years, various indigenous peoples and indigenous peoples' organizations have been recognized by the Commission for their role in advancing human rights in their communities.

14. Through a participatory approach, the Kenya National Commission on Human Rights has developed a policy on human rights defenders and will advocate its adoption by the State. The Commission has trained and enhanced the capacity of a human rights defender from the Sengwer community to effectively defend its rights. The Commission also plans to train human rights defenders from other indigenous communities. Frequent meetings are planned with human rights defenders and relevant duty bearers to discuss existing challenges and chart the way forward in order to provide effective protection for the human rights of indigenous communities. During its public inquiries on insecurity in the North Rift and coastal regions of Kenya in 2015, the Commission received representations and petitions from human rights defenders from a number of indigenous communities.

15. The national human rights institution of Nicaragua reported that it had carried out 250 outreach and educational activities to promote human rights in 2016, and that, in its oversight role, it had expanded its network of local offices during the year. It also reported that it had received no claims regarding harassment, persecution, aggression or violence of any kind with regard to the work of its local offices working as human rights defenders in Nicaragua.

16. The Commission on Human Rights of the Philippines, which facilitates dialogue between indigenous human rights defenders and State agencies as a redress mechanism, reports that it places emphasis on preventive measures but also provides investigation services and sometimes legal and financial assistance. The Commission has handled a range of cases, including complaints filed by tribal leaders from Bukidnon against paramilitary forces and with regard to the killing of a tribal leader. The Commission has also established a new office on indigenous peoples' issues, with a focus on the protection and promotion of human rights within the context of an indigenous point of view. In November 2016, in coordination with the National Commission of Indigenous Peoples and the Department of Natural and Environment Resources, the Commission facilitated a consultation-dialogue in Butuan City between the indigenous peoples of Ponson Island, the Carrascal Mining Company and the Marcventures Mining and Development Corporation. Concerns discussed included environmental degradation and the encroachment of mining activities inside the Manobo-Ponson ancestral domain.

C. Promoting and protecting indigenous peoples' rights

17. The United Nations Declaration on the Rights of Indigenous Peoples was adopted in 2007. To mark the tenth anniversary in 2017, national human rights institutions were asked to provide information to assess gains and achievements in its implementation.

18. The Ombudsman of Argentina reported that the implementation of programmes recognizing community ownership varied from province to province. In addition, the Ombudsman reported the promulgation of national decree PEN 672/2016, establishing the Advisory and Participatory Council of Indigenous Peoples of the Argentine Republic, without broad consultation, although several meetings will be held to provide indigenous organizations with the opportunity to discuss the regulation of its implementation. The Ombudsman also reported that a national health programme for indigenous peoples has been created within the Ministry of Health. At the provincial level, a Ministry of Indigenous Affairs and Community Development has been established in the province of Salta as well as a secretariat of indigenous affairs in the province of Jujuy. Regarding legislation, the legislature of the province of Neuquén has adopted a law of prior consultation for the elaboration of the Mapuche health law.

19. The Australian Human Rights Commission has undertaken a number of significant activities in relation to the promotion and implementation of the United Nations Declaration on the Rights of Indigenous Peoples, including the development of a practical manual for national human rights institutions on the Declaration and a learning course developed jointly by the Australian Human Rights Commission, the Asia Pacific Forum of National Human Rights Institutions and the Office of the United Nations High Commissioner for Human Rights. In partnership with the National Congress of Australia's First Peoples, the Commission held a series of community, government, business and non-government dialogue meetings to raise awareness and understanding of the Declaration. The Commission has continued to advocate, through reports on social justice and native title as well as other avenues, the review of existing legislation, policies and programmes regarding their conformity with the Declaration. The Commission has also advocated the inclusion of the Declaration in the definition of human rights in the Human Rights (Parliamentary Scrutiny) Act 2011.

20. Through the Canadian Association of Statutory Human Rights Agencies, which serves as an umbrella organization for the federal, provincial and territorial human rights commissions in Canada, the Canadian Human Rights Commission co-chairs the Working Group on the United Nations Declaration on the Rights of Indigenous Peoples. The Working Group was established to consider how human rights institutions in Canada can advance the implementation of the Declaration. It provides advice to members of the Canadian Association of Statutory Human Rights Agencies on issues relating to the human rights of indigenous peoples in Canada and suggests related activities that members can undertake to advance these rights. For example, in June 2016, the Working Group hosted a panel on strategies to advance the implementation of the Declaration as a framework for reconciliation. The Working Group has also developed a series of joint motions to advance the rights of indigenous peoples in Canada and promote the Declaration, including by calling for the establishment of an independent national oversight body to monitor the implementation of the Calls to Action contained in the 2015 report of the Truth and Reconciliation Commission of Canada. Over the past year, two bills have been brought forward in Parliament relating to the implementation of the Declaration in Canada. Bill C-262 would require the Government to take all measures necessary to ensure that the laws of Canada are in harmony with the Declaration. Bill C-332 would require the Minister of Indigenous and Northern Affairs to prepare an annual

report on Canada's compliance, during the preceding year, with its obligations under the Declaration. Neither bill had been passed into law as of January 2017 when the report of the Canadian Human Rights Commission was submitted to the secretariat of the Permanent Forum.

21. The Kenya National Commission on Human Rights has conducted strategic public interest litigation to claim and assert the rights of indigenous peoples, in particular the Ogiek community, to their ancestral lands as protected under article 10 of the United Nations Declaration on the Rights of Indigenous Peoples. Through such litigation, the Commission is seeking to forestall the threatened eviction of the Ogiek from Chepkitale. The 2010 Constitution of Kenya provides a progressive framework for the protection of the rights of minorities and marginalized communities in Kenya. Although the constitution does not make specific reference to indigenous peoples, provisions of the constitution highlighted herein accord protections to indigenous peoples that coincide with the principles set out in the United Nations Declaration. The Commission is mandated, under articles 59 and 249 of the Constitution, to ensure the promotion and protection of human rights and to secure the observance of principles outlined in article 10 of the Declaration. In this endeavour, the Commission has the authority to receive and investigate complaints of alleged human rights abuses, to seek appropriate redress for the violations, to educate the public on their rights, to research and advise the Government on its human rights obligations and to ensure State compliance with its regional and international human rights treaty obligations. In addition to the rights provided for under the Bill of Rights, the Constitution lists ancestral lands and lands traditionally occupied by hunter-gatherer communities as community land, a form of landholding tenure recognized in Kenya. Kenya has further enacted the Community Land Act 2016, which provides a framework for the registration and management of community land. In 2015, the Commission, within the framework of its universal periodic review, recommended that the State should: ratify ILO Convention No. 169 on Indigenous and Tribal Peoples; take steps to implement the United Nations Declaration on the Rights of Indigenous Peoples; enact the Community Land Act and the Evictions and Resettlement Procedures Bill; and fully implement the decision of the African Commission on Human and Peoples' Rights on the case of the Endorois people and the Prevention, Protection and Assistance to Internally Displaced and Affected Communities Act.

22. New Zealand Human Rights Commission welcomed the establishment by the national Iwi Chairs Forum of an independent monitoring mechanism for the United Nations Declaration on the Rights of Indigenous Peoples. The Commission continues to support the mechanism through the provision of secretariat and technical assistance. In 2013, the Commission made a major submission to the constitutional conversation conducted by the Government-appointed Constitutional Advisory Panel. The submission advocated the position that the Treaty of Waitangi is the founding document of the State of New Zealand and that its constitutional arrangements — its values, rules, institutions and practices — should flow from the Treaty. Furthermore, the Treaty provides for coexisting systems of governance and law in Aotearoa, the Maori name for New Zealand, in order to give effect to the right to self-determination for both indigenous and non-indigenous New Zealanders. The Commission's aspiration for the future of the country is that human rights

protections will be strengthened and the Treaty will be increasingly recognized as the founding document of the country in a substantive manner.

23. In February 2014, the Constitution of Nicaragua was revised to recognize the existence of indigenous peoples and the Afrodescendant population, and to ensure their enjoyment of the rights, duties and guarantees enshrined in the Constitution, in particular the rights to maintain and develop their identity and culture, to have their own ways of social organization and of managing their local affairs and to maintain communal ownership of their lands, including their use and enjoyment, in accordance with national law. The Constitution also established autonomy for the communities of the Caribbean coast. In March 2015, the National Assembly of Nicaragua adopted the United Nations Declaration on the Rights of Indigenous Peoples, in support of the outcome document of the World Conference on Indigenous Peoples, and committed itself to continuing to work to adapt national legislation in line with the Declaration and in accordance with the Constitution. The national human rights institution of Nicaragua has developed, as part of its outreach and education strategy, training activities for the general population and public officials on the rights of indigenous peoples, including information on the United Nations Declaration.

24. The Commission on Human Rights of the Philippines has been involved in two legal developments related to the promotion of the United Nations Declaration on the Rights of Indigenous Peoples. The first is the development of guidelines in the national monitoring of human rights compliance in the mining industry. The guidelines expressly recognize that environmental concerns are human rights concerns and call on the Government to apply a human rights-based approach to protect the environment. The guidelines also clarify that adverse impacts of mining activities to the environment in the form of pollution and disturbance to the livelihood and welfare of individuals or communities, among others, if supported by substantial evidence, shall be regarded as human rights abuses and violations. These guidelines are still pending with the Mining Industry Coordinating Council. The Commission has also been involved in efforts to promote the adoption of the Indigenous Peoples and Local Communities Conserved Areas and Territories Bill into law. The Bill is meant to implement the Convention on Biological Diversity and the United Nations Declaration on the Rights of Indigenous Peoples, and to bring about full realization of the rights of the indigenous peoples in the Philippines.

D. Follow-up to the World Conference on Indigenous Peoples

25. In September 2014, the United Nations organized the first World Conference on Indigenous Peoples. At the World Conference, Member States made a number of commitments of relevance to human rights institutions. Three main areas of relevance are considered in this section: (a) national action plans, strategies or other measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples in cooperation with indigenous peoples, through their own representative institutions; (b) the prevention and elimination of all forms of violence and discrimination against indigenous peoples; and (c) the processes to acknowledge, advance and adjudicate the rights of indigenous peoples, including their rights pertaining to lands, territories and resources.

1. National action plans, strategies or other measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples in cooperation with indigenous peoples, through their own representative institutions

26. In Canada, a working group examines ways to encourage provincial, territorial and federal governmental support or endorsement of the United Nations Declaration on the Rights of Indigenous Peoples, including through the enactment of legislation. For example, the creation of key messages on the rights contained in the Declaration was a collaborative effort to encourage governmental endorsement and compliance with the Declaration.

27. The Kenya National Commission on Human Rights, the National Gender Commission and the National Land Commission, together with representatives of indigenous communities and relevant governmental agencies, are in the process of developing a national action plan to implement the United Nations Declaration.

28. The New Zealand Human Rights Commission has advocated the need for a national strategy to implement the United Nations Declaration. It has developed a national action plan based on the recommendations of the 2014 universal periodic review submitted by the Government, and plans to incorporate actions relating to the Declaration into the plan in the coming months. Discussions have also taken place with a view to working with the Government and the independent monitoring mechanism for the Declaration in this regard.

29. As mentioned above, the national human rights institution of Nicaragua reported on the development strategy for the Caribbean coast and the Alto-Wangki Bocay area that has contributed to increased access to services, opportunities and participatory mechanisms to reduce poverty and enhance human development.

30. In 2017 the Commission on Human Rights of the Philippines will conduct a national inquiry into the current situation of indigenous peoples in the country in order to provide solutions to the problems faced by the indigenous communities, including through consensus-building between indigenous peoples, the government and mainstream civil society. The processes and eventual findings of the national inquiry are expected to fully operationalize an Indigenous Peoples' Rights Observatory in the Philippines.

2. Prevention and elimination of all forms of violence and discrimination against indigenous peoples and individuals

31. The Australian Human Rights Commission reports that Aboriginal and Torres Strait Islander children are overrepresented in child protection programmes and the out-of-home care system. Current statistics indicate that Aboriginal and Torres Strait Islander children are 9.5 times more likely to be in out-of-home care than non-indigenous children.[4] Since 2017 marks the 20th anniversary of the "Bringing Them Home" report, the Commission will commemorate the occasion by advocating that the historical practices and policies used to remove children from

[4] Australian Institute of Family Studies, "Child protection and Aboriginal and Torres Strait Islander children", Child Family Community Australia Resource Sheet, October 2016 (available at https://aifs.gov.au/cfca/publications/child-protection-and-aboriginal-and-torres-strait-islander-children).

their families do not occur again and will consider ways to advocate solutions to the problems faced by indigenous children in care.

32. Prior to August 2016, the Canadian Human Rights Commission, in association with its provincial and territorial counterparts, supported calls for the establishment of a national action plan on violence against indigenous women, including launching an independent and inclusive inquiry into missing and murdered indigenous women and girls. An inquiry into murdered and missing indigenous women and girls was announced by the federal Government in August 2016.

33. The Kenya National Commission on Human Rights is working on legislation under article 100 of the national Constitution, which provides for affirmative action for political representation of minorities, women, youth and persons with disabilities.

34. The New Zealand Human Rights Commission issues regular statements and submits reports relating to the prevention of violence against women, highlighting the disproportionate rate of violence experienced by Maori women and children.

3. Processes to acknowledge, advance and adjudicate the rights of indigenous peoples pertaining to lands, territories and resources

35. The Australian Human Rights Commission supports the Indigenous Property Rights Project, led by Aboriginal and Torres Strait Islander peoples, which is aimed at addressing barriers to development on the Indigenous Estate. This is consistent with article 26 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that indigenous peoples have the right to own, use and control their lands, waters and other resources. During the 2015-2016 period, the Social Justice Commissioner convened a number of round tables on economic development and indigenous property rights. The meetings identified options for addressing the challenges Aboriginal and Torres Strait Islander peoples experience in creating economic development opportunities without limiting native title or land rights. These challenges include barriers that prevent the leveraging of property rights, be they communal, inalienable rights under native title or through land rights schemes. A draft framework to advance a renewed dialogue between the Australian Government and Aboriginal and Torres Islander peoples about their traditional lands, culture and options for economic development is currently being developed.

36. The Truth and Reconciliation Commission of Canada issued its final report in 2015. Following the release of the report, the Canadian Human Rights Commission made a public statement urging the Government to implement the 94 Calls to Action contained in the report. A number of the Calls to Action refer to the United Nations Declaration on the Rights of Indigenous Peoples and the importance of its full implementation. The current Government has committed itself to the implementation of the 94 Calls to Action. In December 2016, the Government announced the creation of a process to establish a national council for reconciliation to help implement the 94 final recommendations put forward in the report.

37. The Kenya National Commission on Human Rights participated in the formulation of both the Community Lands Act 2016 and the Mining Act 2016, and advocated both a devolved system of Government and the establishment of the National Land Commission. The alternative dispute resolution mechanism is a

feature of the Kenyan Constitution. The Commission also seeks to imbue traditional justice mechanisms with elements in compliance with international human rights standards and gender equity.

38. New Zealand Human Rights Commission has been approached by Maori groups that have concerns about the Government process for the negotiated settlement of Treaty of Waitangi claims. This process, known as the Large Natural Grouping policy, focuses on larger groups. The Commission considers that this can leave some smaller groups (*hapū*) with concerns about participation and representation, as well as having an impact on the distinct cultural identity of those groups and their potential ability to directly access to the practical benefits of the negotiated treaty settlement. In response to one specific situation, the Commission met with the group concerned and with the Government agency responsible for negotiations and encouraged continued dialogue to seek pragmatic solutions in the interests of achieving fair and lasting settlements.

39. In Nicaragua, according to the national human rights institution, between 2007 and 2016 the Government delivered 23 community land titles to 304 ancestral communities, comprising 39,531 families. The land titles granted rights to an area of 37,841.99 km^2, or 31.6 per cent of the country's total land.

E. Conclusions

40. In summary, six of the national human rights institutions that submitted their responses to the questionnaire provided information on their work on conflict resolution. Five reported on their work regarding human rights defenders. All respondents provided information about the measures they had taken to promote and protect indigenous peoples' rights. Regarding follow-up to the World Conference on Indigenous Peoples, six respondents reported on the development and implementation of national action plans, strategies or other measures to achieve the goals of the United Nations Declaration; four provided information on their efforts to prevent and eliminate all forms of violence and discrimination against indigenous peoples; and six reported on the establishment at the national level of processes to acknowledge, advance and adjudicate the rights of indigenous peoples pertaining to lands, territories and resources.